United Nations A/51/PV.86

General Assembly
Fifty-first Session

Official Records

86th plenary meeting
Monday, 16 December 1996, 3 p.m.
New York

President: Mr. Razali . . . . . (Malaysia)

The meeting was called to order at 3.10 p.m.

Reports of the Second Committee

The President: This afternoon the General Assembly will consider the reports of the Second Committee on agenda items 94, 95, 96 and sub-items (a) to (g), 97 and sub-items (a) to (f), 98, 99 and 12.

I request the Rapporteur of the Second Committee to introduce the reports of the Second Committee in one intervention.

Ms. Corado-Cuevas (Guatemala), Rapporteur of the Second Committee (*interpretation from Spanish*): I have the honour to introduce the following reports of the Second Committee on items allocated to it by the General Assembly for consideration.

Under agenda item 12, entitled "Report of the Economic and Social Council", the Second Committee recommends, in paragraph 24 of document A/51/601, the adoption of three draft resolutions, and in paragraph 25 the adoption of two draft decisions.

Under agenda item 94, entitled "Macroeconomic policy questions", the Second Committee recommends, in paragraph 38 of document A/51/602, the adoption of one draft resolution under sub-item (a), "External debt crisis and development"; two draft resolutions under sub-item (b), "Financing of development, including net transfer of resources between developing and developed countries"; two draft resolutions under sub-item (c), "Trade and development"; and one draft resolution under sub-item (d), "Commodities". It also recommends in paragraph 39 the adoption of one draft decision.

Under agenda item 95, entitled "Sectoral policy questions", the Second Committee recommends, in paragraph 16 of document A/51/603, the adoption of one draft resolution under sub-item (a), "Industrial development cooperation"; and one draft resolution under sub-item (b), "Food and sustainable agricultural development". It also recommends, in paragraph 17, the adoption of one draft decision.

Under agenda item 96, "Sustainable development and international economic cooperation", the Assembly has before it the report of the Second Committee contained in document A/51/604 and Addenda 1 to 8. Document A/51/604 contains the introduction to the item.

In paragraph 7 of document A/51/604/Add.1, the Second Committee recommends to the General Assembly the adoption of one draft resolution under sub-item (a) on implementation and follow-up to major consensus agreements on development.

Under sub-item (b), entitled "Agenda for development", the Second Committee recommends, in paragraph 7 of document A/51/604/Add.2, the adoption of one draft resolution, and in paragraph 8 the adoption of one draft decision.

96-87106 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

In paragraph 7 of document A/51/604/Add.3, the Second Committee recommends to the General Assembly the adoption of one draft resolution under sub-item (c) on integration of the economies in transition into the world economy.

In paragraph 7 of document A/51/604/Add.4, submitted under sub-item (d), entitled "Population and development", the Second Committee recommends to the General Assembly the adoption of one draft resolution.

Document A/51/604/Add.5 contains the report of the Second Committee under sub-item (e) on human settlements, and recommends to the Assembly the adoption of one draft resolution, which is contained in paragraph 9.

In paragraph 7 of document A/51/604/Add.6 on sub-item (f) on eradication of poverty, the Committee recommends to the Assembly the adoption of one draft resolution.

Paragraph 9 of document A/51/604/Add.7, submitted under sub-item (g) on cultural development, contains one draft resolution recommended for adoption by the Assembly.

Paragraph 6 of document A/51/604/Add.8 contains one draft resolution for adoption by the Assembly, which was submitted under the item as a whole.

The General Assembly also has before it the report of the Second Committee on item 97, entitled "Environment and sustainable development", which is contained in documents A/51/605 and Add.1 to 7.

Document A/51/605 contains the introduction to the item.

In paragraph 8 of document A/51/605/Add.1, which was submitted under sub-item (a), entitled "Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development", the Second Committee recommends to the General Assembly the adoption of one draft resolution.

Paragraph 8 of document A/51/605/Add.2 contains one draft resolution submitted under sub-item (b) on a special session for the purpose of an overall review and appraisal of the implementation of Agenda 21.

Document A/51/605/Add.3, the report of the Second Committee on sub-item (c) on the implementation of the Convention on Biological Diversity, contains one draft resolution in paragraph 7 recommended for adoption by the Assembly.

Under sub-item (d), entitled "Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States", the Assembly has before it one draft resolution, which is contained in paragraph 7 of document A/51/605/Add.4.

In paragraph 7 of document A/51/605/Add.5, submitted under sub-item (e) on the protection of global climate for present and future generations of mankind, the Second Committee recommends the adoption of one draft resolution.

Under sub-item (f) on the International Decade for Natural Disaster Reduction, the Assembly has before it document A/51/605/Add.6. In paragraph 8 of that document, the Second Committee recommends to the Assembly the adoption of one draft resolution.

Document A/51/605/Add.7 contains a report of the Second Committee on the consideration of a draft resolution which had been submitted under item 97 as a whole. No draft proposals are recommended for adoption in that addendum.

Under agenda item 98, entitled "Operational activities for development", the Second Committee recommends in document A/51/606, paragraph 12, the adoption of one draft resolution, and in paragraph 13 the adoption of one draft decision.

Under item 99 of the agenda, entitled "Training and Research", the Second Committee recommends in document A/51/607, paragraph 15, the adoption of one draft resolution under sub-item (a) "United Nations Institute for Training and Research", and one draft resolution under sub-item (b) "United Nations University".

I should like to inform the General Assembly that during this session the Second Committee adopted 28 draft resolutions or draft decisions, all of which except one were adopted by consensus.

Before concluding, I should like to take this opportunity to thank all the members of the Second Committee for their contribution to the work of the Committee and to thank the Chairman, His Excellency Mr. Arjan Hamburger, and the two Vice-Chairmen, Mr. Kheireddine Ramoul and Mr. Mohammad Djabbarry for their efforts in successfully completing the work of the Committee. My thanks also go to Ms. Margaret Kelley, Secretary of the Second Committee, Mr. Vladimir Zelenov, Ms. Maritiza Struyvenberg and the other members of the Secretariat for their assistance and dedication.

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Second Committee which are before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Second Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee".

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to ten minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Second Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Second Committee. This means that where a recorded vote was taken, we will do the same. I should also hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Second Committee.

Agenda item 94

Macroeconomic policy questions

Report of the Second Committee (A/51/602)

The President: The Assembly will now take a decision on the six draft resolutions recommended by the Second Committee in paragraph 38 of its report and on the draft decision recommended in paragraph 39 of the same report.

The Assembly will first turn to draft resolution I, entitled "Enhancing international cooperation towards a durable solution to the external debt problem of developing countries".

The Second Committee adopted draft resolution I without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/164).

The President: Draft resolution II is entitled "Net flows and transfer of resources between developing and developed countries".

The Second Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/165).

The President: Draft resolution III is entitled "Global financial integration and strengthening collaboration between the United Nations and the Bretton Woods institutions".

The Second Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/166).

The President: Draft resolution IV is entitled "International trade and development".

The Second Committee adopted draft resolution IV without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/167).

The President: Draft resolution V is entitled "Transit environment in the landlocked States in Central Asia and their transit developing neighbours".

The Second Committee adopted draft resolution V without a vote.

May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/168).

The President: Draft resolution VI is entitled "Commodities".

The Second Committee adopted draft resolution VI without a vote.

May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/169).

The President: We turn now to the draft decision entitled "Documents relating to macroeconomic policy questions", which is recommended for adoption by the Second Committee in paragraph 39 of the report.

May I take it that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: I call now on the representative of Brazil, who wishes to make a statement in explanation of vote after the vote.

Mr. Florencio (Brazil): I have the honour to speak on behalf of Argentina, Bolivia, Botswana, Chile, Lesotho, Mozambique, Paraguay, Singapore, South Africa, Thailand, Uruguay and Brazil.

I wish to comment briefly on resolution 51/167, on international trade and development, which the General Assembly has just adopted. The resolution endorses the outcome of the ninth United Nations Conference on Trade and Development (UNCTAD) and expresses the political will and responsibility of the Member States with respect to implementing its agreed commitments, while welcoming the generous offer by Thailand to host the tenth session of UNCTAD, in the year 2000. It recognizes the far-reaching reforms implemented pursuant to the Midrand Conference, which encompassed UNCTAD's programme of work, its intergovernmental machinery, the reform of its secretariat and its cooperation with other organizations.

It also sends a clear message that the United Nations Conference on Trade and Development should now focus on implementing its substantive programme of work and that the savings generated as a result of the ninth session of UNCTAD should be reinvested in priority areas of UNCTAD's work.

Concerning the multilateral trading system, the resolution stresses the urgent need to continue trade liberalization in developed and developing countries and therefore to improve access for the exports of developing countries, and emphasizes the importance of the inaugural Ministerial Conference of the World Trade Organization, which was held in Singapore.

It also underscores the importance of the full, timely, continuous and faithful implementation of the Uruguay Round agreements and the need for a balanced approach with respect to the built-in agenda, as well as for an integrated approach to environment, trade and development issues.

This is the first time in the history of the United Nations that a draft resolution on trade and development has been jointly sponsored by developing and developed countries. The broad sponsorship it received is a reflection of the vitality and relevance of the global partnership for growth and development.

We are particularly grateful to the countries that joined in sponsoring this Group of 77 draft resolution, namely Australia, Belarus, Japan, Mexico, Norway, the Russian Federation, Turkey and the United States of America.

To a large extent we can credit this result to the strengthened partnership which emerged at the ninth session of UNCTAD, and we would like to thank South Africa, in its capacity as host country and President of the session, for having deployed all efforts to achieve this

result and to keep the momentum generated by the Midrand consensus.

The broad-based agreement that we have achieved in this resolution sets an example for the future work of the Second Committee.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 94?

It was so decided.

Agenda item 95

Sectoral policy questions

Report of the Second Committee (A/51/603)

The President: The Assembly will now take a decision on the two draft resolutions recommended by the Second Committee in paragraph 16 of its report (A/51/603) and on the draft decision recommended by the Second Committee in paragraph 17 of the same report.

The Second Committee adopted draft resolution I, entitled "Industrial Development Cooperation", without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/170).

The President: The Second Committee also adopted draft resolution II, entitled "Food and sustainable agricultural development", without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/171).

The President: We now turn to the draft decision entitled "Report of the Secretary-General on the use of freshwater resources for food and agricultural production". May I take it that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 95?

It was so decided.

Agenda item 96

Sustainable development and international economic cooperation

Report of the Second Committee (Parts I and IX) (A/51/604 and Add.8)

The President: We shall first consider Part I of the report of the Second Committee, contained in document A/51/604. May I take it that the General Assembly wishes to take note of Part I of the report of the Second Committee?

It was so decided.

The President: We now turn to Part IX of the report of the Second Committee, contained in document A/51/604/Add.8.

The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 6 of Part IX of its report.

The Second Committee adopted the draft resolution entitled "Communication for development programmes in the United Nations system" without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/172).

(a) Implementation and follow-up to major consensus agreements on development

Report of the Second Committee (Part II) (A/51/604/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of Part II of its report.

The Second Committee adopted the draft resolution, entitled "Implementation of the commitments and policies agreed upon in the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade". May I consider that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/173).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 96?

It was so decided.

(b) Agenda for development

Report of the Second Committee (Part III) (A/51/604/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of Part III of its report and the draft decision recommended by the Committee in paragraph 8 of the same report.

We turn first to the draft resolution entitled "Renewal of the dialogue on strengthening international economic cooperation for development through partnership", which the Second Committee adopted. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/174).

The President: We turn next to the draft decision entitled "Document relating to an agenda for development", which the Second Committee adopted. May I take it that the Assembly wishes to do likewise?

The draft decision was adopted.

The President: We have concluded this stage of our consideration of sub-item (b) of agenda item 96.

(c) Integration of the economies in transition into the world economy

Report of the Second Committee (Part IV) (A/51/604/Add.3)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of Part IV of its report. The Second Committee adopted the draft resolution. May I take it that the Assembly wishes to do the same.

The draft resolution was adopted (resolution 51/175).

The President: May I take it that it is the wish of the Assembly to conclude its consideration of sub-item (c) of agenda item 96?

It was so decided.

(d) Population and development

Report of the Second Committee (Part V) (A/51/604/Add.4)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of part V of its report.

The Second Committee adopted the draft resolution entitled "Implementation of the Programme of Action of the International Conference on Population and Development". May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/176).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (d) of agenda item 96?

It was so decided.

(e) Human settlements

Report of the Second Committee (Part VI) (A/51/604/Add.5)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 9 of part VI of its report.

The Second Committee adopted the draft resolution entitled "Implementation of the outcome of the Second United Nations Conference on Human Settlements (Habitat II)". May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/177).

The President: May I take it that it is the wish of the Assembly to conclude its consideration of sub-item (e) of agenda item 96?

It was so decided.

(f) Eradication of poverty

Report of the Second Committee (Part VII) (A/51/604/Add.6)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of part VII of its report.

The Second Committee adopted the draft resolution, entitled "First United Nations Decade for the Eradication of Poverty". May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/178).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (f) of agenda item 96?

It was so decided.

(g) Cultural development

Report of the Second Committee (Part VIII) (A/51/604/Add.7)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 9 of part VIII of the report.

The Second Committee adopted the draft resolution entitled "Report of the World Commission on Culture and Development". May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/179).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (g) of agenda item 96?

It was so decided.

Agenda item 97 *(continued)*

Environment and sustainable development

Report of the Second Committee (Parts I and VIII) (A/51/605 and Add.7)

The President: May I take it that the General Assembly wishes to take note of parts I and VIII of the report of the Second Committee on agenda item 97?

It was so decided.

(a) Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development

Report of the Second Committee (Part II) (A/51/605/Add.1)

Report of the Fifth Committee (A/51/722)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 8 of part II of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/51/722.

The Second Committee adopted the draft resolution entitled "Elaboration of an International Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa". May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/180).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 97?

It was so decided.

(b) Special session for the purpose of an overall review and appraisal of the implementation of Agenda 21

Report of the Second Committee (Part III) (A/51/605/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 8 of part III of its report.

The Second Committee adopted the draft resolution. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/181).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 97?

It was so decided.

(c) Implementation of the Convention on Biological Diversity

Report of the Second Committee (Part IV) (A/51/605/Add.3)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of part IV of its report.

The Second Committee adopted the draft resolution entitled "Convention on biological diversity". May I consider that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/182).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 97?

It was so decided.

(d) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States

Report of the Second Committee (Part V) (A/51/605/Add.4)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of part V of its report.

The Second Committee adopted the draft resolution. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/183).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (d) of agenda item 97?

It was so decided.

(e) Protection of global climate for present and future generations of mankind

Report of the Second Committee (Part VI) (A/51/605/Add.5)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 7 of part VI of its report.

The Second Committee adopted the draft resolution. May I consider that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 51/184).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (e) of agenda item 97?

It was so decided.

(f) International Decade for Natural Disaster Reduction

Report of the Second Committee (Part VII) (A/51/605/Add.6)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 8 of part VII of its report.

The Second Committee adopted the draft resolution.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/185).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (f) of agenda item 97 and of agenda item 97 as a whole?

It was so decided.

Agenda item 98 *(continued)*

Operational activities for development

Report of the Second Committee (A/51/606)

The President: The Assembly will now take a decision on the draft resolution recommended by the Second Committee in paragraph 12 of its report and on the draft decision recommended by the Committee in paragraph 13 of the same report.

The Second Committee adopted the draft resolution, entitled "Progress at mid-decade on the implementation of General Assembly resolution 45/217 on the World Summit for Children", without a vote.

May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/186).

The President: We turn now to the draft decision entitled "Report on the activities of the United Nations Development Fund for Women".

May I consider that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: We have concluded this stage of our consideration of agenda item 98.

Agenda item 99

Training and research

Report of the Second Committee (A/51/607)

The President: The Assembly will now take a decision on the two draft resolutions recommended by the Second Committee in paragraph 15 of its report.

The Second Committee adopted draft resolution I, entitled "United Nations University", without a vote.

May I consider that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 51/187).

The President: The Second Committee adopted draft resolution II, entitled "United Nations Institute for Training and Research", without a vote.

May I consider that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 51/188).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 99?

It was so decided.

Agenda item 12 *(continued)*

Report of the Economic and Social Council (A/51/601)

The President: The Assembly will now take a decision on three draft resolutions recommended by the Second Committee in paragraph 24 of its report and on two draft decisions recommended by the Committee in paragraph 25 of the same report.

I shall put the recommendations of the Second Committee to the Assembly one by one. After all the decisions have been taken, representatives will again have the opportunity to explain their vote.

The Second Committee adopted draft resolution I, entitled "Institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities".

May I take it that the General Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 51/189).

The President: Draft resolution II is entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Finland, France, Germany, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, United States of America, Vanuatu

Abstaining:

Bahamas, Barbados, Belarus, Congo, Côte d'Ivoire, Croatia, Estonia, Fiji, Gambia, Georgia, Grenada, Kenya, Latvia, Liberia, Lithuania, Marshall Islands, Micronesia (Federated States of), Palau, Paraguay, Ukraine, Uruguay

Draft resolution II was adopted by 133 votes to 3, with 21 abstentions (resolution 51/190).

The President: The Second Committee adopted draft resolution III, entitled "United Nations Declaration against Corruption and Bribery in International Commercial Transactions".

May I consider that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 51/191).

The President: We will now turn to the two draft decisions contained in paragraph 25 of the report.

Draft decision I is entitled "Documents relating to the report of the Economic and Social Council".

May I take it that the General Assembly wishes to adopt draft decision I?

Draft decision I was adopted.

The President: Draft decision II is entitled "Biennial programme of work of the Second Committee for 1997-1998".

May I take it that the General Assembly wishes to adopt draft decision II?

Draft decision II was adopted.

The President: I shall now call on those representatives who wish to make statements in explanation of position.

Mr. Robinson (United States of America): The United States welcomes the approval today of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions. This achievement is the fruit of efforts by the United States and a broad coalition of sponsors to urge immediate and effective international action against the corruption and bribery of foreign public officials in international commerce. I thank all the sponsors for their valuable contributions, as well as the many other delegations that participated constructively in the drafting of the resolution.

In addressing the fiftieth session of the General Assembly, President Clinton called on the international community and the United Nations to act against new threats to our common security arising in an age of globalization. Corruption and bribery is one such issue. Whether it arises from drug or weapons trafficking, or from otherwise legal commerce, corruption must be eradicated.

The approval, by consensus, of this Declaration in the Economic and Social Council and now in the General Assembly is proof of the worldwide recognition that urgent steps are required to stamp out this corrosive practice.

Bribery distorts markets and hinders economic performance in both developed and developing countries. It substitutes graft for quality, performance and suitability in global markets. Bribes undermine democratic accountability. Weak Governments are further weakened by corruption, and emergent democracies are threatened. Finally, bribery creates a barrier to open competition and trade that disadvantages companies that refuse to engage in the practice. Companies with legitimate business practices are penalized.

Many have argued that bribery has been a standard business practice internationally. Today, however, there is further evidence that the tide is turning. Civilized nations are working together to raise the moral standard, to say "yes" to fair and honest commerce and "no" to corrupt practices.

The commitment of the United States to this effort is long-standing. Our Foreign Corrupt Practices Act, passed nearly two decades ago, was the first major blow against international commercial bribery.

Two years ago, the United States led the effort in the Organization for Economic Cooperation and Development (OECD) that resulted in the OECD's Recommendation on bribery in international business transactions, a remarkable breakthrough in the battle against corruption. The Recommendation calls on Member States to take concrete and meaningful steps to combat bribery. Successful negotiation of the 1994 Recommendation set into motion various initiatives in the OECD and other forums. In April, the OECD nations agreed that the tax deductibility of bribes paid to foreign officials should be eliminated. In May, OECD Ministers committed in principle to criminalize foreign commercial bribery in an effective and coordinated manner, and to consider specific proposals at the May 1997 ministerial meeting to accomplish this.

In this hemisphere, the Organization of American States concluded in March of this year the Inter-American Convention Against Corruption. The Convention serves as a powerful political statement by leaders of the hemisphere that they will no longer tolerate the corrosive effects of corruption on free markets and the democratic system.

The international financial institutions have also joined the fight against corruption and bribery. Both the Managing Director of the International Monetary Fund (IMF) and the President of the International Bank for Reconstruction and Development (IBRD) have spoken on their respective institutions' roles in this effort. In September the Interim Committee issued its Partnership for Sustainable Global Growth, which called for promotion of good governance and tackling corruption.

Finally, my delegation is pleased that this action was initiated in the Economic and Social Council. We believe that the most effective way to revitalize the Economic and Social Council is for the Council to tackle difficult cross-sectoral issues of great moment and relevance such as the one involved here.

The General Assembly's action today is the first truly global statement of international intent to stamp out this practice. We call on Governments to implement quickly and effectively the provisions of this Declaration and to support effective action in other regional and global forums against foreign corrupt business practices.

The President: I now call on the representative of Ireland, who will speak on behalf of the European Union.

Mr. Murphy (Ireland): As the European Union indicated on the occasion of the adoption of the corresponding resolution at the recently resumed session

of the Economic and Social Council — and copies of the statement made on that occasion are available in the Chamber — we strongly support the spirit of draft resolution III (resolution 51/191) in document A/51/601. That is why we have joined consensus on this text.

In the view of the European Union, the criminalization of corruption, and in particular corruption in its international aspects, is a complex issue. Any attempt to tackle it must, of necessity, require a thorough examination of the issue by legal experts. Such an examination must inevitably entail a study of the various ways in which the problem can most effectively be dealt with, including the possible negotiation of appropriate international instruments. The Union is prepared to explore actively, with all our partners, how the United Nations can pursue this matter more effectively. In this context, we are of the strong belief that the Commission on Crime Prevention and Criminal Justice is the most appropriate forum in which to take action.

As the European Union indicated during the negotiations leading to the adoption of the present text, we had certain specific concerns in its regard. In particular we consider that legal definitions should not have been included in a political declaration, especially as they are different from texts already agreed upon in other forums. In our opinion, the terms of the text now adopted do not prejudice any further negotiations in this context.

Mr. Petrella (Argentina) *(interpretation from Spanish)*: On behalf of the Argentine Government, I wish to express our satisfaction at the approval of the Declaration against Corruption and Bribery in International Commercial Transactions. The adoption of this document represents the culmination of a process that began years ago in this Organization and which has received the firm support of Argentina from its very inception.

This ratification is testimony to the growing viability of the United Nations as a forum for discussing and developing ideas that subsequently become binding for countries through the actions of the Governments themselves or of the appropriate international agencies.

Let me stress in particular that the United Nations has successfully responded to the fight against corruption from various angles. It has been studied in Economic and Social Council, in the Third Committee, in the Second Committee, and in the Sixth Committee. All of these forums, concluded that corruption not only undermines the republican system of government, but increases difficulties in commerce, generates arbitrary tariff increases, creates distortions in investments, and consequently weakens comprehensive development to the detriment of the people. In other words, corruption is a phenomenon that ultimately harms fundamental human rights.

This consideration has motivated Argentina's support for initiatives to actively eradicate corruption through the United Nations Conference on Trade and Development (UNCTAD), the Organization of American States (OAS), the United Nations and other bodies concerned with the problem. Moreover, this is the fundamental reason why our Government provided for the creation of a central office on ethics and the adoption of a code of ethics for our public officials.

Mr. Van Dunem "Mbinda" (Angola), Vice-President, took the Chair.

In this way we are fulfilling the recommendation contained in the recently adopted Economic and Social Council resolution, which includes in its annex the International Code of Conduct for Public Officials.

Mr. Vivas (Venezuela) (*interpretation from Spanish*): As one of the initial sponsors of the resolution adopted a few weeks ago by the Economic and Social Council, the Government of Venezuela is very pleased by the adoption of this text in the General Assembly in the framework of agenda item 12. We are convinced that the adoption of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions represents a significant step forward by the international community, because the struggle against all forms of corruption, bribery and related unlawful practices must be comprehensive and requires united action by all States. We hope that this Declaration will provide the foundation upon which a universal convention against the deadly scourge of corruption gradually can be built.

We cannot fail to take this opportunity to express our satisfaction at the initiative taken by the United States and the courageous support of numerous delegations in pursuing this exercise in the multilateral context of the United Nations, thus strengthening the agreements reached at the regional level at the March 1996 Caracas Inter-American Conference on Corruption, which was sponsored by the Organization of American States.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its

consideration of the chapters of the report of the Economic and Social Council allocated to the Second Committee?

It was so decided.

The Acting President: The General Assembly has thus concluded its consideration of all the reports of the Second Committee.

Agenda item 98 *(continued)*

Operational activities for development

Commemoration of the fiftieth anniversary of the operations of the United Nations Children's Fund

Draft resolution (A/51/L.59)

The Acting President: I call on the representative of Romania to introduce draft resolution A/51/L.59.

Mr. Gorita (Romania): I have the privilege to introduce, on behalf of a great number of sponsors, the draft resolution entitled "Commemoration of the fiftieth anniversary of the operations of the United Nations Children's Fund", which is contained in document A/51/L.59.

The operative part of the draft resolution congratulates the United Nations Children's Fund (UNICEF) on the occasion of its fiftieth anniversary and commends the Fund for the important contribution it has made during its first 50 years in promoting the survival, development and protection of children, and as an advocate of children's rights.

The short text of this draft resolution has behind it a long and impressive story of devoted and ceaseless efforts in the service of children all over the world. The story of UNICEF is about children whose lives were touched at some point by a unique organization trying to fulfil its noble humanitarian mission. The subject of this story is not UNICEF itself, but the lives of the children in need, irrespective of colour, creed or nationality, and the work done despite the many forces of division in a troubled world.

The achievements of UNICEF are not trophies of international goodwill but a fundamental duty of the family of nations. For all that has been accomplished, it has never been enough. Nothing sounds simpler than helping improve the lives of children. In fact, nothing could be more challenging and more complex. The only simple part is that everyone agrees nowadays that the child has a right to that help. As the Declaration on the Rights of the Child states,

> "mankind owes to the child the best it has to give". *(resolution 1386 (XIV), fifth preambular paragraph)*

Much can be said about what we must do for the survival, development and protection of children. What the Assembly is invited to do today is simply to acknowledge and praise UNICEF's role in serving the children of the world and to encourage it to do even better in future. The draft resolution we shall adopt is a modest token of our respect and support. I should like to thank the other sponsors of this draft resolution, which joined us in an impressive number.

Before concluding, I have the pleasure to inform the Assembly that the following countries have added their names to the list of sponsors: Algeria, Antigua and Barbuda, Australia, Botswana, Brazil, Bulgaria, Chile, Congo, Czech Republic, Djibouti, Eritrea, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Iceland, Indonesia, Iran, Israel, Italy, Japan, Kazakstan, Lebanon, Liberia, Liechtenstein, Lithuania, Madagascar, Malta, Marshall Islands, Mongolia, Mozambique, Myanmar, Nepal, New Zealand, Niger, Oman, Panama, Paraguay, Poland, Portugal, Russian Federation, Rwanda, Saint Kitts and Nevis, San Marino, Senegal, Tunisia, Ukraine, United Kingdom, Viet Nam and Zimbabwe.

The Acting President: The Assembly will now take a decision on draft resolution A/51/L.59.

May I take it that the Assembly decides to adopt draft resolution A/51/L.59?

The draft resolution was adopted (resolution 51/192).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 98?

It was so decided.

Agenda item 56 *(continued)*

The situation in Bosnia and Herzegovina

Draft resolution (A/51/L.62)

Mr. Nobilo (Croatia): Today, four years after the first General Assembly debate on this item, we finally find ourselves in a new and promising situation. Bosnia and Herzegovina today is a country without the horrific violence that shocked the world — a country of relative peace that is welcomed by the whole world. It is also, in many ways, a new country, with a new name, new internal structures, and a new Government. Even though the country still faces various difficulties in implementing the Peace Agreement, there is a strong hope that the present peace will be maintained and that all outstanding and potential problems will be resolved through negotiation and not, as in the past, through violence.

This new and promising situation naturally leads us to look to the future and to tend to overlook the difficult past. But while Croatia also prefers to look to the future, it must also reflect on the past. For our country, which has suffered from the same causes and from some of the same consequences of aggression as Bosnia and Herzegovina, there are simply some all-too-important elements of the past that must not be forgotten or clouded by political expediency as we move forward from a new point of reference. By overlooking the past, we may also be opening the door for future generations to return to violence with misplaced anger and on false premises.

Most importantly, the Assembly cannot condone or accept likely future attempts to change the definition of the origins and the costly dimensions of this conflict or of its aggressor and victims. We have witnessed in the past too many attempts to equate the aggressor and the victims and to explain away violent expansionism on the basis of defensive nationalism.

Similarly, the Assembly cannot overlook the positive role that Croatia has played with respect to Bosnia and Herzegovina. Croatia was the first to organize the defence of Bosnia and Herzegovina together with equally forward-looking Government authorities in Bosnia and Herzegovina, and thus in 1992 saved the country from being completely overrun. Last year, in response to appeals from the competent authorities of Bosnia and Herzegovina, Croatia took action once again. First, in August, it saved the safe area of Bihac from the fate of Srebrenica, and then, in September and October, it secured the balance in Bosnia that set the stage for the present peace.

Moreover, over the past five years the Croatian Government has spent more resources per capita than any other in Governments providing for the safety and needs of the more than 800,000 Bosnian refugees who passed through Croatia during that time. By the end of this year, the Government will have spent close to $1 billion for their care — about $560 million in direct budget outlays. Furthermore it is still caring for 180,000 Bosnian refugees, in addition to its own 200,000 displaced persons.

Croatia's positive role in Bosnia is often overshadowed by the fighting that took place between the Bosniac and Croat communities in central Bosnia in 1993. This regrettable development cannot be viewed without taking into account two important issues. First, the direct cause of the conflict was an unbearable situation of scarce resources, in which three-fourths of the population of Bosnia and Herzegovina was reduced to living on one-fourth of its territory. Secondly, the heavy refugee burden and the military threat posed by the conflict to the strategic Dalmatian coastline ultimately became a critical issue for Croatia's internal security and sovereignty, at which point Croatia had to respond, with the eventual cooperation of the international community.

In future, as my Foreign Minister pointed out at the Paris conference last month, Croatia intends gradually to disengage itself from taking an active role on this issue. Over the past five years, due to the grave instability in that country, and the lack of international consensus on the proper way to stabilize the situation, Croatia has had to be engaged in such a way as to secure its own existence and internal stability.

We believe that the new internal structure of Bosnia and Herzegovina provides, under the circumstances, an acceptable, and perhaps the best possible mechanism for ensuring stability in that country. That stability can be strengthened further by linking the Federation to European security and economic structures. If any of the parties should seek to change the present internal structure, however, instability may ensue. An unstable Bosnia and Herzegovina would always pose a very serious threat to Croatia's internal security, because of the unique geopolitical relationship between the two countries. Should such instability occur, Croatia will always act to protect its security and sovereignty, though it first will seek the cooperation of the international community.

At present, Croatia considers the holding of municipal elections as the most important next step in the reintegration of the country. The election of new

popularly chosen local authorities who would have the legitimate support of the international community may be the only vehicle to re-energize past attempts to return refugees and displaced persons to their homes. The return of a substantial number of refugees and displaced persons is of course the optimum way to reintegrate Bosnia and Herzegovina.

The return of refugees is also important for Croatia because of the exceptional burden they represent, which we mentioned earlier. Unfortunately, over the past year, only about 36,000 Bosnian refugees have returned to Bosnia, and, of those, hardly any have returned to Bosniac or Bosnian Serb-controlled areas.

The return of refugees is also the key to the success of the Federation. Without the return of some 130,000 Bosnian Croats to areas controlled by the Bosniacs in central Bosnia, Bosnian Croats will have little incentive to share power in the Federation. Central Bosnia, which is home to one-third of the Bosnian Croat population, most of it now uprooted, is indeed the key to the success of the Federation.

At present, the Croats' failure to return to central Bosnia is due not only to obstruction by various illegitimate local authorities, but also to the inequitable distribution of international aid in that region and to the complete lack of any investigation by the International Criminal Tribunal into the war crimes committed against the Croats in central Bosnia.

My Government has been informed by one Contact Group member Government that 97 per cent of the aid to Bosnia has been distributed through Bosniac authorities. This type of distribution — if the information is true — is unacceptable.

The failure to investigate and prosecute of individuals responsible for crimes against Croats in central Bosnia is encouraging dangerous sentiments of collective guilt and discouraging the necessary reconciliation. Until actions are taken to reverse these two processes, Croats will not feel safe in returning to central Bosnia. Bosnian Croats, according to one reliable Western government survey, may have suffered the greatest level of personal injury among the three groups in Bosnia. This would be especially true for the Croats of central Bosnia, who were under siege for years by two armies. Unfortunately, not a single offender against this regional subgroup has been indicted by the Tribunal, while the group itself may have the highest number of residents indicted — 15 — from among all the regional subgroups. This too, is very troubling indeed.

Another element that has slowed the implementation of the Federation relates to the complete lack of working and living space for Croats in Sarajevo, the capital of the State and of the Federation. Less than five per cent of the total Croat population of Bosnia currently lives in Sarajevo; if Croats are to share equitably in the work of the Federation, we must immediately find room for them to live and work in Sarajevo. This is why my delegation lobbied very actively to have this issue reflected in the draft resolution associated with this agenda item.

Our wording has been included in paragraph 12 of the present text; by its terms, the General Assembly

> "urges the relevant international organizations to consider the provision of assistance to meet the infrastructural needs of the new common institutions of Bosnia and Herzegovina in Sarajevo, the capital of the State and Federation of Bosnia and Herzegovina". *(A/51/L.62, para. 12)*

We thank the Assembly for its support on this critical issue. We are also very grateful to the sponsors of the draft resolution and the Bosnian delegation for supporting our text, despite the fact that we could not join in sponsoring the draft resolution. Our sponsorship is contingent on full support for the draft resolution from the Bosnian Presidency. We fully support the draft resolution, and will vote in favour of it, but we place even greater value on cohesion and progress in the new common institutions of Bosnia and Herzegovina, and will await the position of the Presidency before sponsoring the text.

Mr. Bohayevsky (Ukraine): At last, the international community can sigh with relief. One year after the signing of the Peace Agreement at Paris in December 1995, we can state definitely that the final war of the cold-war period in the centre of Europe is over. It is no secret that the causes of this war lie deep in the totalitarian character of the society that existed in the region for more than 50 years.

At the same time, we have to realize that while the war in Bosnia has stopped, peace is far from being completely restored in the Balkans. A number of major causes of the civil war in Bosnia and Herzegovina have yet to be removed, and it is only a continuing sound international presence, both military and civilian, that can

prevent the resumption of hostilities even on a minor scale.

In this regard, we would like to welcome the results of the second Peace Implementation Conference recently held at London, which adopted a peace consolidation plan known as the Action Plan.

The Implementation Force (IFOR) established by Security Council resolution 1031 (1995) has successfully fulfilled its task. We therefore have to commend IFOR for stabilizing the situation in the region and creating favourable military and political conditions for the free democratic elections in Bosnia and Herzegovina that took place on 14 September 1996. The next stage of the peace process in the Balkans has started. Our delegation believes that the main objective of the international presence in Bosnia and Herzegovina is to consolidate this process and make it irreversible.

That is why Ukraine supports the establishment of the Stabilization Force (SFOR), pursuant to Security Council resolution 1088 (1996) of 12 December 1996, for a planned period of 18 months. This mission, in our opinion, is needed primarily to act as a deterrence force authorized to prevent hostilities, promote the arms control process, provide wide-ranging support for civilian reconstruction, and promote security for the municipal elections scheduled for next summer.

In this regard, I would like to emphasize my country's willingness to participate in SFOR. In spite of a very difficult domestic economic situation, the Government of Ukraine is making every effort to allocate the necessary financial resources which will enable it to continue its contribution of the Ukrainian battalion currently serving with IFOR. At the same time, we are considering the possibility of offering, on specific terms, various services by the Ukrainian armed forces, in particular, various types of engineering units and air transportation services, as well as railway construction troops to help in reconstruction activities in the region.

Alongside the successful IFOR mission, the organization and holding of general elections in Bosnia and Herzegovina on 14 September 1996, as well as their results, can be considered a success. Free and democratic elections in Bosnia have created a firm basis for the consolidation of a united State. They have also opened the door to the formation of new joint institutions in Bosnia and Herzegovina. Ukraine welcomes the establishment of the Collective Presidency and the Council of Ministers, and hopes that their activities will be directed towards rapprochement of the Entities that make up Bosnia and Herzegovina, and that they will function effectively to the benefit of all the peoples of Bosnia and Herzegovina.

At the same time, to our regret, these elections have shown the continuing deep ethnic discord in Bosnian society. That is why, at the present stage, measures for strengthening mutual trust between the ethnic communities in Bosnia and Herzegovina require special attention. In this context, we believe that the convening of an all-Bosnian conference of peace-loving forces, including the representatives of all parties, and political and public groups that support the reintegration of Bosnia and Herzegovina, would be of the utmost importance.

In many cases, history has taught us that lasting peace can be sustained only if it is accompanied by justice. In our view, the success of the work of the International Criminal Tribunal for the former Yugoslavia is important for stability in the region. Its investigations must be conducted on an unbiased and impartial basis, which constitutes the very essence of justice. Only under these conditions can its activities contribute to the peaceful consolidation of Bosnia and Herzegovina.

We cannot fail to mention the problem of the renewal of rights of national minorities that do not belong to the constituent Entities, such as ethnic Ukrainians. In this context, effective action is needed to eliminate obstacles to the early, safe and orderly return of refugees and displaced persons to their homes. In our opinion, international assistance is needed to facilitate their return and reintegration, including the construction of houses and basic infrastructure.

Peace will not arrive with a wave of a magic wand. Peace-building is a difficult and time-consuming process that demands patience as well as financial and material resources. In the long run, lasting peace rests on the economic prosperity of a society and each of its members.

Our delegation believes that economic reconstruction will finally define the viability of a united Bosnia and Herzegovina. In the process of the restoration and reconstruction of that State, top priority should be given to projects which would unite the Entities and promote economic cooperation between them. It goes without saying that all ethnic groups living in Bosnia and Herzegovina should equally enjoy the advantages of peaceful economic reconstruction, including international financial assistance.

In this context, let me remind this august body that the final act of the first London Peace Implementation Conference stipulated the creation of important economic opportunities for the countries neighbouring the former Yugoslavia. As a matter of fact, the western border of Ukraine is closer to Sarajevo than to Kiev, its capital.

We see the participation of Ukraine as well as other Danube riparian States in the process of economic restoration and reconstruction of Bosnia's destroyed economy as fair compensation for the billions of dollars which Ukraine and other States lost as a result of their strict observance of the economic sanctions imposed by the Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro). It should be taken into account that by suffering such economic losses, Ukraine directly contributed to the initiation of the Dayton process.

All the efforts of the international community will be in vain if there is no political will on the part of the leaders of the Entities deeply to bury the axes of war, and to build, brick by brick, a solid bridge of peace. We also understand that the major responsibility for the establishment of a lasting peace in the region and for bringing about reconciliation and economic, political and social rehabilitation lies on the shoulders of the peoples of Bosnia and Herzegovina. Let us wish them success in this very important endeavour.

Mr. Ka (Senegal) (*interpretation from French*): The war in the territory of the former Yugoslavia over the course of the past few years was, with its horrors, its enormous destruction, the significant number of displaced persons and the many violations of human rights and human dignity, one of the darkest and most tragic episodes in modern history.

The peoples of Bosnia and Herzegovina, after providing us for many years with the perfect illustration of harmonious interracial and inter-faith cohabitation and interaction, have unfortunately had to pay a heavy price for this war. Needless to say, the relief of the international community was great when, on 21 November 1995 in Dayton, the conclusion of the General Framework Agreement for Peace in Bosnia and Herzegovina was announced, and, when on 14 December 1995 in Paris, it was signed by the parties to the conflict. In one year, thanks to the commendable efforts of the entire international community, a great deal of progress has been achieved on the road to maintaining and consolidating a peace that is still imperfect, but which was far from evident before the signing of the Dayton accords.

On 15 December 1995, the Security Council, in its resolution 1031 (1995), expressed its satisfaction at the deployment of the multinational Implementation Force (IFOR) in Bosnia and Herzegovina. The presence of that force, together with that of the International Police Task Force, made it possible to create conditions propitious for a return to a certain degree of normality, even if we should underline that a great deal remains to be done. Indeed, many positive events have taken place. IFOR, in cooperation with the International Police Task Force, is guaranteeing the maintenance of the cease-fire throughout the territory of Bosnia and Herzegovina, and order continues to prevail in sectors where the risk of tension and incidents remains very high.

We were very pleased with the successful organization of the general elections on 14 September 1996, in which more than 2.5 million people participated. This great outpouring of courage and civic duty paved the way to the establishment, albeit still shaky, of common institutions for Bosnia and Herzegovina.

Despite this progress, which must be welcomed and encouraged, the situation in Bosnia and Herzegovina remains fragile because some parties have not yet demonstrated the necessary good faith in the implementation of certain important aspects of the peace accords. This is the case with the mission entrusted to the International Tribunal for the former Yugoslavia. On 19 November 1996, the President of the Tribunal, Judge Antonio Cassese, presented here his third annual report, which gave a clear and complete overview of the work accomplished by the Tribunal.

Despite largely positive results obtained in often difficult circumstances, it must be acknowledged that progress remains to be achieved. Indeed, the lack of cooperation on the part of certain parties, in particular in the pursuit and arrest of known war criminals, remains both disappointing and worrying. There can be no peace without justice, or justice without law. The International Tribunal, to which we have given that prerogative, must be able to act in seeking justice. Its credibility and authority are at stake.

Freedom of movement and the return of refugees and displaced persons to their original homes are far from being guaranteed, and constitute another challenge that the international community must deal with in the

face of the vague centrifugal impulses of the nationalist leaders of the Republika Srpska. These aspirations to carve up Bosnia and Herzegovina are extremely alarming. We must be vigilant so that the efforts made to date to maintain Bosnia and Herzegovina within specific and recognized frontiers will have not been in vain.

I should like to emphasize the importance of the role of the Stabilization Force (SFOR) recently established by Security Council resolution 1088 (1996). This Force, which will take over from IFOR, will have the difficult task of consolidating what has already been achieved on the road to peace in Bosnia and Herzegovina, while maintaining the force of law and supporting efforts made within the context of the relevant provisions of Peace Agreement.

My country, Senegal, which is a member of the Contact Group of the Organization of the Islamic Conference, has stood behind the international community in its efforts to restore peace and security in Bosnia and Herzegovina. In that context, we have always given our support, to the extent that we are able, to the Government and the peoples of Bosnia in their legitimate quest for a society reconciled with itself in peace and unity for the reconstruction of a country that has been sorely tried by more than four years of relentless war.

From that point of view, my country is pleased with the conclusions of the London Conference of 4 and 5 December 1996, at which the parties and the international community reaffirmed their willingness to provide the human and financial resources necessary for the reconstruction and development of Bosnia and Herzegovina.

Mr. Tanç (Turkey): The situation in Bosnia and Herzegovina continues to occupy a very important place in the agenda for peace and security in the Balkans and beyond.

Since the Dayton Peace Agreement, we have witnessed considerable progress. However, a lack of compliance on certain crucial aspects of the Agreement indicates that much remains to be done. As accurately indicated in Security Council resolution 1088 (1996), the situation in the region continues to constitute a threat to international peace and security.

The developments which took place in Bosnia and Herzegovina prior to the Dayton Peace Agreement proved once again that a lack of firm and prompt international response to aggression leads to further aggravation of crises, causes untold human suffering and makes it all the more difficult to find solutions.

The Dayton/Paris Peace Agreement therefore constituted a turning point in the events in Bosnia and Herzegovina. In this respect, we would like to express our full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto signed at Paris. They constitute the basis for the achievement of a durable and just peace in Bosnia and Herzegovina. In order to heal the wounds of the war and to achieve peace, security and stability in this vitally important country of Europe, it is incumbent upon the international community to exert every effort to help Bosnia and Herzegovina on this path, and also in the reconstruction efforts that are under way.

Turkey, along with other States, is actively participating in the implementation of both the military and the civilian aspects of the Dayton Peace Agreement.

With the draft resolution (A/51/L.62) before the General Assembly, the sponsors would like the Assembly to demonstrate once again its full commitment to the consolidation and stabilization of peace in Bosnia and Herzegovina. Work on this draft resolution started on 1 November 1996. Since that day, it has undergone intensive drafting in the light of recent developments. As sponsors, we have worked hard to accommodate various views to make this draft resolution a consensus text. We believe that it is high time for the international community to speak loud and clear and show that we are concerned about non-compliance by one or other party with crucial aspects of the Peace Agreement.

For this purpose, it is essential that all the conditions envisaged by the Dayton Peace Agreement, including the return of refugees and displaced persons to their homes, are put in place without delay. While we welcome the attention given to the protection and promotion of human rights in Bosnia and Herzegovina and to the establishment of the new common institutions in accordance with the provisions of the Peace Agreement, we regret the continuing obstruction faced by refugees and displaced persons wishing to return to their homes. We call upon all parties, including the relevant international organizations and Member States, to contribute to the formation of conditions necessary to facilitate their return.

We would like to stress the importance of the work of the International Tribunal for the process of

reconciliation in Bosnia and Herzegovina among its constituent peoples. Turkey supports fully the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and believes that States and parties to the Peace Agreement must meet their obligations to cooperate with the Tribunal. In this context, we would like to draw the attention of the General Assembly to the third annual report of the International Tribunal, which in part states that

> "The degree of cooperation encountered has varied remarkably among these States and Entities. The Republic of Bosnia and Herzegovina has been by far the most cooperative party: it has replied to nearly every warrant addressed to it, explaining its inability to execute arrest warrants in Bosnian territories outside its control". *(A/51/292, para. 167)*

In the report, it is also stated that Republika Srpska has failed to execute any of the scores of arrest warrants which have been addressed to it or to explain its inability to do so.

Unfortunately, the Federal Republic of Yugoslavia (Serbia and Montenegro) has been portrayed as a party with an almost equally negative record of cooperation. It is important to note that, under the Dayton Accord, the Federal Republic of Yugoslavia (Serbia and Montenegro) is responsible for the Serbian Entity's cooperation and compliance as well as its own.

In this context we would like to stress the need for timely information about the level of cooperation and compliance with the Tribunal and its orders, the status of the return of refugees and displaced persons to and within Bosnia and Herzegovina and the status and implementation of the subregional arms control agreements.

Turkey welcomes the positive steps taken towards the normalization of relations between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina. We encourage the Federal Republic of Yugoslavia (Serbia and Montenegro) to fulfil the requirement of establishing diplomatic relations with Bosnia and Herzegovina without any preconditions. We believe that such a development would eliminate another hurdle en route to normalization.

On the reconstruction front, we are pleased to note the positive impact of the two previous pledging conferences, held on 21 December 1995 and 13 and 14 April 1996, and chaired by the World Bank and the European Union. We believe that we cannot overemphasize the urgency of providing the pledged financial and technical assistance to the reconstruction efforts. Economic revitalization is essential for the process of reconciliation, for the improvement of living conditions and for the maintenance of durable peace, both in Bosnia and Herzegovina and in the region.

Turkey also welcomes the conclusion of the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996 in order to define the Guiding Principles of the Civilian Consolidation Plan of the peace process in Bosnia and Herzegovina, in accordance with the Dayton Peace Agreement.

Lastly, Turkey welcomes the conclusion of the Peace Implementation Conference, held in London on 4 and 5 December 1996, at which the Bosnian parties and the international community committed themselves to a detailed action plan to implement the Peace Agreement.

The Implementation Force (IFOR), led by the North Atlantic Treaty Organization (NATO), has played a crucial role from the time it was deployed until now in preserving peace and order and in ensuring progress on the rough road the peace process has been travelling. The fragility of the general situation in Bosnia and Herzegovina requires that the international community move with caution and determination in contemplating the future of that country.

It is significant to note that IFOR has brought together 33 NATO and non-NATO countries in an unprecedented coalition for peace, stability and political and economic reconstruction. Although IFOR's mission has been accomplished, an international military presence is still required to provide the stability necessary for consolidating the peace. In this context, we also welcome the Security Council's recent resolution 1088 (1996), which authorizes the Stabilization Force (SFOR) as the legal successor to IFOR under unified command and control in order to fulfil the role specified in annex I (A) and annex II of the Peace Agreement.

Turkey believes that SFOR, as a successor to IFOR, will contribute to a secure environment necessary for the consolidation and stabilization of peace, deterring or, if necessary, halting a resumption of hostilities. Turkey is prepared to contribute to SFOR as well.

The draft resolution (A/51/L.62) before the General Assembly reaffirms the international community's support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders, and calls upon all those who are obstructing the peace process to fully comply with all the provisions of the Dayton Peace Agreement and its annexes.

This is the most appropriate time to show that the General Assembly is strongly committed to supporting and ensuring compliance by all parties with the provisions of the Peace Agreement. There is no doubt in our minds that the draft resolution before us will send a strong message in that direction.

Mr. Osman (Sudan) (*interpretation from Arabic*): The Sudanese Minister for Foreign Affairs, speaking last September before the General Assembly, expressed the gratitude of Sudan that the Dayton Agreement had been concluded, thus ending a humanitarian calamity. We support that Agreement and were pleased at its signing.

Although we are convinced that the General Framework Agreement for Peace concluded at Dayton has paved the way to global peace, we nevertheless believe that the next stage of reconstruction and peace-building is a sensitive one. We call on the international community to provide the necessary assistance that has been promised to preserve this emerging peace.

In the same context, we would like to emphasize the importance attached by the international community during the London and Paris Conferences to the consolidation of peace. For peace to be comprehensive, and to end all threats, the international community must take the necessary measures with respect to States protecting war criminals. These criminals must be brought before the International Tribunal for the former Yugoslavia.

Another important point calling for the intervention of the international community is the question of refugees and persons displaced during the war, who number more than two million. The international community, through its specialized agencies, must facilitate the return of refugees to their homes so that they can participate in the reconstruction of the country.

Finally, my country is prepared to make every possible effort to assist Bosnia and Herzegovina in consolidating its structures and in becoming an important actor in the international community. In that respect, we support the draft resolution contained in document A/51/L.62 on the situation in Bosnia and Herzegovina.

Mr. Kulla (Albania): The Republic of Albania has been deeply concerned about the conflict in Bosnia and Herzegovina since its beginning. My country has contributed seriously, above all, to the lengthy process of identifying the causes of the crisis, which were related mainly to Serb ultranationalism and its supporters. We have also firmly supported the right of the Bosnian people to defend the sovereignty and territorial integrity of their own State.

During the crisis in Bosnia and Herzegovina, Albania actively cooperated with the international community, especially within the framework of United Nations efforts, to prevent the spill-over of armed conflict into the southern Balkans. It supported the measures undertaken by the Security Council regarding the sanctions against the former Yugoslavia, thus contributing to ending the war and ultimately to reaching peace in Bosnia and Herzegovina.

Meanwhile, we should keep in mind that it has been not only the Albanian State, but all Albanians living in their own lands and scattered in the various States of the former Yugoslavia as well, who have constantly been an important factor for peace and stability in the region.

The Albanian Government firmly supported the Dayton Peace Accord. We consider that Agreement to be a great victory of the international community, not only for stopping the war, but also for normalizing life in Bosnia and Herzegovina. The elections of 14 September constituted a very significant step to the restoration of peace and democratic institutions in that country.

However, regardless of the recent elections, I think that the situation in Bosnia and Herzegovina is still very fragile. Hostilities and hatreds inherited from the bloody war will take time to be deleted from the memory of society. As the post-election situation indicated to us, the lack of confidence and the hesitancy in implementing rigorously the Dayton Accord, are obviously alive in the post-war era. If they are not taken seriously into consideration, they will remain a real threat to further development.

Albania believes that the confidence-building measures, institutional stability and sustainable development that would bring that ruined country and its desperate populations a normal life require the continued

presence of the international community in Bosnia in the year to come. My country again expresses its goodwill and full readiness to cooperate in this regard.

The Republic of Albania appeals to the United Nations and its Member States to place, as soon as possible, the question of Kosovo on their agenda, in the spirit of Dayton. The peaceful contribution of and democratic means pursued by the Albanians in Kosovo and by their leadership should be considered positively through the international community's commitment to mediating in the talks between Priština and Belgrade for a just settlement of the political status of Kosovo.

Expressing its high consideration for General Assembly resolutions 49/204, 50/190 and 51/111 in this regard, the Republic of Albania again appeals to this global Organization and its Member States to continue their efforts for a just solution of the question of Kosovo, thus serving peace, stability and prosperity in the Balkan Peninsula.

In conclusion, I wish to reiterate the support of the Albanian Government and the Albanian people for the efforts towards the consolidation of peace, the building of institutions and the reconstruction of Bosnia and Herzegovina.

Mr. Sacirbey (Bosnia and Herzegovina): I have intentionally waited to speak towards the end of today's debate in order to make certain that several key issues are made fully clear. I will be brief.

The draft resolution before us frankly does not need to be defended. The draft resolution does not address issues that could be considered either controversial or divisive. It basically supports the Peace Agreement and the continuation of the peace process, as well as the most consensus reading of the United Nations Charter and international law. Some members might therefore ask: What is the controversy? What is the big deal? — especially in view of the debates surrounding previous resolutions on Bosnia and Herzegovina introduced before the General Assembly.

Well, I have asked myself the same question. The sponsors of the draft resolution, our delegation and many delegations here have endeavoured to make this into a consensus resolution and to eliminate any legitimate reason for dissent. Most of the delegations that have spoken today have most persuasively made the case for all the elements of this draft resolution and I do not believe that I could address the details any more eloquently, so I will not duplicate and unnecessarily take your time.

But again, what is it that should make this draft resolution in any way controversial?

A few, very few, delegations have tried to discourage any resolution on the situation in Bosnia and Herzegovina before the General Assembly. We, the sponsors and, I trust, most other delegations do not agree that the General Assembly should be discouraged from voicing its views on the peace process and on the situation in Bosnia and Herzegovina. After all, it was the previous debates and actions in the General Assembly before the peace accords were signed that made a most constructive contribution to the peace process and ultimately to the Dayton/Paris Peace Agreement.

The General Assembly's previous debates and resolutions not only confirmed the most relevant elements of the United Nations Charter, but they encouraged constructive compromise combined with a more proactive and consistent approach by some of the more responsible Member States. At that time, while on the one hand the Security Council technically remained seized of the matter, responsible members of the Security Council did not adequately address their obligations and actually take the necessary steps to bring about a real opportunity to stop the fighting and give peace a chance. The many individuals serving in the various international organizations, non-governmental organizations and the United Nations Protection Force (UNPROFOR) did contribute mightily and heroically to easing the suffering; however, it was the activist position of such as the General Assembly that finally compelled a greater resolve to bring about a real solution, a real remedy. The peace process is now moving forward very slowly and hesitantly, but nonetheless it appears there is still promise for success. Still, the obstacles are many and, unfortunately, the lack of resolve remains a predominant factor.

We Bosnians remember the most constructive role of the General Assembly while, during the first 42 months of war and brutal violations of international humanitarian law, the Security Council and numerous conferences failed again and again to find the resolve to bring the war to an end. We are not inclined to go back to the days where the Bosnia situation was debated and dictated behind closed doors without success, without the necessary will, without consistency under the principles

of international law and without transparency and accountability.

Frankly, they will not dare vote against such a basic and rather tame draft resolution as the one before us. But a few countries would prefer that the Assembly did not have a voice on the matter at all and that they not be held accountable to it. We do not want to be dealt with specially — just fairly. We will keep our commitments and we also expect the sponsors of the Peace Agreement to maintain their resolve and to compel compliance, even if one of the parties does not honour its promises under the Agreement. In such a situation, the sponsors of the Peace Agreement must not be allowed to create false excuses and to paint all of the signatories of the Peace Agreement equally culpable if political expediency so dictates.

Some of the detractors may attempt to cast doubt upon this draft resolution by disparagingly asking: Why is Bosnia and Herzegovina not a sponsor, if this draft resolution is so important? This discussion must be carried out here in this Hall rather than behind the scenes or in the hallways. I believe that, as a consequence, more than ever before, members will conclude the importance of bringing this resolution before the General Assembly.

The Peace Agreement has brought several different parties into the various governmental institutions of Bosnia and Herzegovina, including the Presidency of Bosnia and Herzegovina. Despite their seemingly clear commitment to some of the most basic elements of the Peace Agreement, some of the authorities in Bosnia and Herzegovina, unfortunately, refuse to implement these basic commitments. In fact, even after the latest reconfirmation of the requirement to cooperate fully with and comply with the orders of the International Criminal Tribunal for the former Yugoslavia, some of the authorities of the Republika Srpska within Bosnia and Herzegovina openly refute the necessity to comply. The requirement to comply under international law and the Peace Agreement is clear. Most importantly, the new Constitution of Bosnia and Herzegovina adopted at the Dayton/Paris talks also requires full compliance.

For this reason, and personally as a negotiator and signatory of the Dayton/Paris Peace Agreement, no doubt exists in my mind regarding full compliance with the Tribunal. This is an essential element of the Peace Agreement, and, frankly, I would not have been a party, a signatory, unless this had been clear. And finally, just to be fair, I do not believe that any one here, frankly, is disputing the requirement to comply with the Tribunal, except some of the aforementioned authorities of the Republika Srpska in Bosnia and Herzegovina. Unfortunately, though, some are not comfortable with being reminded of the obstinate failure by one party consistently to accept the authority of the Tribunal.

The reasons why the leadership of the Republika Srpska does not wish to accept the authority of the Tribunal are obvious. Some of its leaders have been indicted and many others may be indicted and could be held criminally responsible for the brutal crimes and genocide committed in Bosnia and Herzegovina. Refusal of the Tribunal's jurisdiction is an attempt to avoid the criminal prosecution of leaders who, unfortunately, continue to hold effective sway.

The reasons why some of the sponsors of the Peace Agreement may not be comfortable with the references to the Tribunal is because, unfortunately, there is still a lack of will to take the necessary steps to compel compliance. There may be a growing embarrassment. The sponsors of the Peace Agreement have placed the greatest emphasis on the institutional and more — if I may speak frankly — superficial aspects of the implementation of the Peace Agreement, which depend on the Bosnian parties themselves. Unfortunately, the same sponsors have exhibited less inclination to compel the implementation of those elements which may be more demanding upon them, including the arrest of indicted war criminals and the delivering of justice.

In order to maintain consistency to the new formal institutions of Bosnia and Herzegovina, my delegation will not co-sponsor this draft resolution without having received instructions from the new Presidency of Bosnia and Herzegovina. Frankly, I am not certain that I will ultimately receive such instructions since some in the Presidency are the very ones negating certain elements of the Peace Agreement — in particular, compliance with the Tribunal. That is exactly the reason why it is so critical for the peace process for the General Assembly to act. Otherwise, not only Bosnia, but the General Assembly as well will become subject to the lowest possible common denominator or position, which would avoid mention not only of the Tribunal, but also of any other more relevant element of the Peace Agreement which some would now hope to ignore or renege upon.

Therefore, we urge the General Assembly to make its voice heard, even though my own delegation may have to be formally silent on co-sponsorship. The voice of the General Assembly will promote justice,

consistency in application of the peace process and, in fact, the very survival of the peace process. Otherwise, if the only consequence of the Peace Agreement is that justice is denied, while the Bosnian delegation at the United Nations is muzzled and the General Assembly is silent, I do assure members that this would be a fatal blow to confidence in the peace process and the Agreement behind it.

We in Bosnia and Herzegovina must continue the very difficult and at times frustrating process of implementing the peace process and building common institutions involving all parties. In turn, we must ask the General Assembly to endeavour to ensure that the Peace Agreement be fully implemented and not selectively or superficially applied.

In summary, our delegation will vote in favour of this draft resolution purely on the basis that it is entrenched in the Peace Agreement and that the most basic elements are already formulated in Bosnia and Herzegovina's foreign policy.

There is one final matter: the draft resolution now includes a preambular paragraph that makes reference to the 3 December 1996 resolution unanimously adopted by all the judges of the International Tribunal — judges from Costa Rica, France, Malaysia, Egypt, Italy, the United States of America and other countries, who in fact were elected here by this very General Assembly. This resolution of all the judges expresses the growing frustration at what they perceive to be the marginalization of the Tribunal. The President of the Tribunal, Judge Antonio Cassese, appeared before us just a month ago and personally relayed to all of us the lack of compliance with the Tribunal's orders and, even more disappointingly, the lack of adequate support for its efforts.

Some have attempted to persuade us all that justice and the peace process are unrelated — even inconsistent — in Bosnia and Herzegovina and therefore they should not be addressed together in the same resolution. We find this a most frightening, patronizing and obviously illogical theory that may only serve shortsightedness and the enemies of peace. Lasting peace must be built on real reconciliation, which, in turn, must be founded upon justice. The Tribunal deserves our full moral and intellectual support and its cry for assistance must be amplified until the Tribunal no longer cries out for the help that we are all obliged to provide it.

It has been suggested that some capitals find the reference in draft resolution before us to the unanimous resolution of the judges of the Tribunal as offensive or embarrassing. Logic dictates that it is not that resolution which is embarrassing, but in fact the very lack of support received by the Tribunal and its need to cry out in such a fashion. Nonetheless, it is not our intention to embarrass anyone here. It would be our advice to the sponsors to delete this reference if that would aid some delegations in supporting the draft before us and bringing about consensus. We trust that the point has already been made.

Once again, in advance, let me thank members for their support. We urge them to vote tomorrow in favour of the draft before us, and, if possible, to sponsor it. Their support will help to end the war and translate it into a lasting peace for Bosnia and Herzegovina and its people.

Finally, I would like to make one very brief point. Peace is before us and we all must work together to make it a reality. I would hope that I have not offended anyone here today. I apologize if I have been too direct for some. Nonetheless, teamwork and cooperation in achieving the most illusive goal of a lasting peace do require clarity and frankness — and that includes the ongoing debate and dialogue of this General Assembly.

The Acting President: I now call on the representative of Egypt to introduce draft resolution A/51/L.62.

Mr. Abdel Aziz (Egypt): I have the pleasure to speak here today on behalf of the 24 sponsors of the draft resolution on agenda item 56, entitled "The situation in Bosnia and Herzegovina", as contained in document A/51/L.62. The following countries joined as sponsors of the draft resolution after its formal completion: Albania, Austria, Oman, Slovenia and Tunisia.

A series of consecutive events marked the starting point of the implementation of a negotiated political settlement of the conflicts in the former Yugoslavia: the signing on 14 December 1995 of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, followed by the signing of the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina on 10 November 1995 and finally the adoption of the Conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995, in particular its decision to establish a Peace Implementation Council and a Ministerial Steering Board. All these events preserved in particular the independence,

sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina within its internationally recognized borders.

The Security Council has been active during the past year in undertaking the necessary measures in accordance with the Peace Agreement through several resolutions on the subject. The sponsors therefore consider of the utmost importance that the General Assembly, in its capacity as the representative body of all States Members of the United Nations, consider the subject every year in order to evaluate the situation in Bosnia and Herzegovina and adopt a resolution containing the Assembly's views on the latest developments in this situation under the agenda item before us today.

In the past two months, several important events relating to the situation in Bosnia and Herzegovina took place. The sponsors would like to welcome the conclusions of the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996, in particular the adoption of the Guiding Principles of the two-year Civilian Consolidation Plan of the peace process. We also welcome the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996, which approved an Action Plan for the first 12-month period of the Civilian Consolidation Plan of the Peace Agreement, as well as the adoption of Security Council resolution 1088 (1996) of 12 December 1996, establishing the multinational Stabilization Force as the successor to the multinational Implementation Force and extending the mandate of the United Nations Mission in Bosnia and Herzegovina including the International Police Task Force.

In order to evaluate the developments of the past year in the light of these latest important events, it was necessary for the General Assembly to take stock of the progress achieved and to relate this progress to the Peace Agreement, taking duly into consideration the need for effective implementation of all aspects of the Agreement, not only some of its aspects.

One of the major achievements was the holding of the elections called for in Annex 3 of the Peace Agreement under the capable auspices of the Organization for Security and Cooperation in Europe (OSCE). Notwithstanding some reported violations and despite the fact that some indicted war criminals took active part in various stages of the elections, the sponsors welcome the results of the elections and express the hope that the violations committed shall not be repeated in the municipal elections to be held under the auspices of OSCE in 1997. In the sponsors' view, the prompt formation and functioning of new common institutions in Bosnia and Herzegovina, particularly in Sarajevo, require all parties to fully cooperate in good faith, as well as massive assistance from the international community.

Another major achievement was the signing of the Subregional Arms Control Agreement in Vienna on 26 January and in Florence on 14 June 1996. Regrettably, this Agreement has not yet been implemented in good faith and with full transparency. Various press reports about the armaments in the possession of the parties, in particular the Serb party, indicate a lack of political will to implement the Agreement as an essential and integral part of the Peace Agreement. The sponsors welcome the signing of the Agreement and stress that only the full implementation of its provisions in transparency and good faith can contribute to the establishment of the right balance leading to a lasting peace and stability.

Mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders is another achievement. The sponsors stress the importance they attach to full normalization of relations, including the immediate establishment of diplomatic relations among those States, in accordance with the Peace Agreement.

Some other aspects of the implementation of the Peace Agreement are of serious concern to the sponsors. The first is the varying levels of cooperation by the parties with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Despite repeated complaints by the Tribunal and its President to the Security Council, and despite the conclusions of the third annual report of the Tribunal indicating that the Republic of Bosnia and Herzegovina is the only party cooperating with the Tribunal in the implementation of arrest warrants issued for indictees and that the Republika Srpska is not cooperating in the implementation of such warrants, no specific action has been taken, either by the Security Council or by the international community, to press for the full cooperation of the parties with the Tribunal in this matter. The sponsors believe that there is an essential role for the international community, including SFOR, to ensure the implementation of the arrest warrants issued by the Tribunal.

Another source of serious concern are the continuing obstructions faced by refugees and displaced persons wishing to return to their homes. This problem, in the view of the sponsors, requires a two-level approach: first, full cooperation of the parties and relevant States and international organizations, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), to enhance the conditions necessary for return; and secondly, the adoption of a regional approach to the issue. In this context, the sponsors stress that full respect for human rights and fundamental freedoms is essential for facilitating the return of refugees and displaced persons as well as for establishing a healthy climate for peace.

The concerns expressed by the sponsors should be seen in the light of the lack of accurate information about the level of cooperation with the Tribunal and compliance with its orders, the status and implementation of the Subregional Arms Control Agreement and the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina. We would like to see timely information about all issues be made available on a continual basis to the General Assembly.

In conclusion, allow me to reiterate the firm conviction of the sponsors that the responsibility for consolidating peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in the joint declaration adopted in Geneva on 14 August 1996, and that the role of the international community remains essential. The sponsors also underline the relationship between the fulfilment by the parties of their commitments under the Peace Agreement and the readiness of the international community to continue its efforts, but at the same time stress the need to apply this conditionality in a manner that differentiates between those who cooperate and those who do not.

In view of the extensive consultations that took place today on the draft resolution aimed at achieving consensus, the sponsors decided to amend the draft resolution as follows: first, to merge preambular paragraphs 9 and 11 related to the work of the International Tribunal for the former Yugoslavia; secondly, to delete preambular paragraph 12; thirdly, to delete, in the fourth and fifth lines of operative paragraph 6, the phrase

> "including the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)";

fourthly, to amend the beginning of operative paragraph 10 to read as follows

> "Welcomes the formation of the multinational Stabilization Force, authorized by the Security Council, as the successor...";

fifthly, to insert at the beginning of the last line of operative paragraph 12 the word "particularly", so that the beginning of this line would read

> "particularly in Sarajevo"; and

sixthly, to replace, in the sixth line of operative paragraph 13, the word "demands" by the word "reiterates".

The sponsors have already tabled these amendments to be issued as a revised version of draft resolution A/51/L.62. We hope that these amendments will make it possible to adopt the draft resolution tomorrow by consensus.

The Acting President: In accordance with General Assembly resolution 3369 (XXX) of 10 October 1975, I now call on the Observer for the Organization of the Islamic Conference.

Mr. Peyrovi (Organization of the Islamic Conference): In view of the time factor and of the fact that the delegations of several States members of the Organization of the Islamic Conference (OIC) have already spoken on this agenda item, our intervention this afternoon will be brief.

The OIC welcomed the signing of the Dayton Peace Agreement about one year ago, which aimed at the restoration of peace after four years of brutal war and indiscriminate killing of innocent Bosnian civilians in the name of "ethnic cleansing" by the Serbs. It welcomed the ceasefire and the elections held last September under the Dayton Agreement and has consistently emphasized the importance of ensuring the full, impartial and effective implementation of the Peace Agreement.

We have observed with much disappointment, however, that while the Government of Bosnia and Herzegovina has unquestioningly fulfilled its obligations and openly demonstrated its desire to realize the total package of undertakings and commitments prescribed in the Dayton Peace Accords, many of the consequences of the genocide and "ethnic cleansing" still remained to be undone. And in the disturbed scenario, the aim of a unified, multi-ethnic, multicultural State of Bosnia and Herzegovina, with internationally recognized boundaries

and visibly operational national institutions, continues to face the hurdles that have become all too familiar.

The task of the reconstruction of the Bosnia and Herzegovina nation-State is at this moment being seriously impeded by, among other things, the question of the return of refugees and displaced persons to their homes in honour and under secure conditions. Another equally important issue is the delays in the prosecution of those persons that have been indicted by the International war-crimes Tribunal for their heinous crimes against humanity in the territory of the former Yugoslavia. The arduous work of the Tribunal is being seriously undermined by the lack of cooperation by certain parties to the Dayton Agreement and by the chronic shortage of funds and other necessary resources, even for the exhumation of mass graves.

As a number of speakers have correctly pointed out, the stubborn barriers to the return of refugees and displaced persons to their homes, in dignity and security, are now also affecting the implementation of the democratization process, especially the preparations for the holding of the municipal elections next year, which, we hope, will be conducted under strong international supervision. Likewise, the cooperation being shown by the Government of Bosnia and Herzegovina with the International war-crimes Tribunal in the discharge of its work needs to be emulated by others in the region, notably the Serbs, not only to demonstrate that they are serious about implementing the Dayton Accord, but more importantly, to lend credibility to the notions of accountability and justice, which are crucial in the challenge of reconstructing the multi-ethnic and multicultural State of Bosnia and Herzegovina.

I will now report briefly on the essential elements of the resolution on the Republic of Bosnia and Herzegovina adopted by the Twenty-fourth Ministerial Meeting of the Organization of the Islamic Conference held in Jakarta, Indonesia, last week. The Conference reaffirmed its commitment to the legal continuity and sovereignty of the State of Bosnia and Herzegovina within its internationally recognized boundaries and fully supported the establishment of a democratic, multi-ethnic and multicultural State of Bosnia and Herzegovina. It reiterated the position of the OIC member States of participating fully in the implementation of all aspects of the Dayton Peace Agreement. The Conference emphasized the importance of ensuring the full, effective, consistent and impartial implementation of the Dayton Peace Agreement. It urged the international community — particularly the members of the United Nations Security Council, the five-nation Contact Group on Bosnia and Herzegovina and the Peace Implementation Council — to support the peaceful and democratic reintegration of the State of Bosnia and Herzegovina. It expressed grave concern that the conditions stipulated under the Dayton Peace Agreement for the holding of free and fair elections were not met in the 14 September elections, specifically in the Serb Entity. The Conference also expressed serious concern over the negative role played by separatists during the elections and cautioned the international community about the threats posed to the democratic reunification of the State of Bosnia and Herzegovina.

The Conference underlined the need for the international community to provide strong and continuous political support to the effective and consistent implementation of the Action Plan of the Peace Implementation Council for Bosnia and Herzegovina, which was adopted at the London Conference of the Council, held on 4 and 5 December 1996. The Action Plan seeks to stabilize peace, speed up the peaceful and democratic reintegration of Bosnia and Herzegovina and preserve that country's sovereignty, political independence and territorial integrity. The Conference stressed the vital importance of ensuring the freedom of movement of people, goods, services and information throughout the country, as well as the importance of the safe and secure return of refugees and displaced persons to their places of origin in a democratized and reintegrated Bosnia and Herzegovina. The Conference emphasized the need for vigorous actions against separatists and called on the international community to support the viable, effective and continuous functioning of the common institutions for the smooth reintegration of the State of Bosnia and Herzegovina. It urged the Peace Implementation Council to undertake all necessary measures to establish effective airspace control and frontier control on all the internationally recognized borders of Bosnia and Herzegovina.

The Conference urged the international community to take concrete measures for the arrest of all indicted war criminals, notably Karadzic and Mladic, and it called on the Security Council to utilize the enforcement procedures under the United Nations Charter, including those envisaged under Chapter VII, to secure the delivery of these criminals by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia. The Conference requested Member States to support the important efforts of the International Criminal Tribunal for the Former Yugoslavia to thoroughly investigate the crimes against humanity

perpetrated by the Serbs against the Bosnian people. It also requested Member States to provide urgently needed financial assistance to the Tribunal, particularly so that it could locate mass graves, identify victims of genocide and notify surviving family members. The Conference called on the Security Council to ensure the compliance of the Federal Republic of Yugoslavia and the Republika Srpska Entity of Bosnia and Herzegovina in accordance with the Dayton Peace Agreement, the orders of the International Criminal Tribunal for the Former Yugoslavia and the relevant provisions of Security Council resolution 1074 (1996). The Conference supported all necessary measures to strengthen and render effective the State, economic and social institutions of Bosnia and Herzegovina, thus helping the country speed up the reconstruction process and establish external relations with the rest of the world, as well as to regularize the debt problems of Bosnia and Herzegovina.

The Conference reaffirmed its strong support for Security Council resolution 777 (1992) and General Assembly resolution 47/1, which decided that the Federal Republic of Yugoslavia should apply to join the United Nations as a new member and should not inherit the seat of the former Socialist Federal Republic of Yugoslavia, which has ceased to exist. For the establishment of local democratic institutions, the Conference supported the holding of free, fair and democratic elections on the municipal level, supervised by Organization for Security and Cooperation in Europe (OSCE).

These are some of the highlights of the resolution that are of immediate relevance to the General Assembly's deliberations this afternoon. In the interest of brevity, I selected them from among other points, all of which are of course relevant to the issue of Bosnia and Herzegovina. The complete text of the resolution will be made available to interested delegations fairly soon.

In conclusion, I would like to add the OIC's full support for the draft resolution before the General Assembly in document A/51/L.62, which was so eloquently introduced by the representative of Egypt. I would also like to assure representatives of my Organization's continued and unqualified resolve to work with the United Nations in supporting the implementation of the Dayton Peace Agreement for, by so doing, we shall, collectively, be contributing towards the attainment of justice, peace, tranquillity and progress in a distressingly troubled part of the world. We shall also be fulfilling the obligations that are the *raison d'etre* of our two organizations: to save succeeding generations from the scourge of war on God's Earth; to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women; and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

The Acting President: We have heard the last speaker in the debate on this item.

I should like to remind delegations that, as previously announced, action on draft resolution A/51/L.62 will be taken tomorrow.

The President took the Chair.

Programme of work

The President: At the request of the representative of Burundi, consideration of agenda item 43, "The situation in Burundi", scheduled for tomorrow morning, has been postponed.

The meeting rose at 5.55 p.m.

United Nations A/51/PV.87

General Assembly
Fifty-first Session

Official Records

87th plenary meeting
Tuesday, 17 December 1996, 10 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.15 a.m.

Agenda item 3 *(continued)*

Credentials of representatives to the fifty-first session of the General Assembly

(b) Second report of the Credentials Committee (A/51/548/Add.1)

The President: The draft resolution recommended by the Credentials Committee in paragraph 11 of its second report reads as follows:

"*The General Assembly*,

"*Having considered* the second report of the Credentials Committee and the recommendation contained therein,

"*Approves* the second report of the Credentials Committee."

We shall now proceed to consider the draft resolution recommended by the Credentials Committee in paragraph 11 of its second report.

The Credentials Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/9B).

The President: We have thus concluded this stage of our consideration of sub-item (b) of agenda item 3.

Agenda item 11 *(continued)*

Report of the Security Council

Draft resolution A/51/L.64

The President: I call on the representative of Colombia to introduce draft resolution A/51/L.64.

Mr. García (Colombia) (*interpretation from Spanish*): I have the honour of introducing, on behalf of the Non-Aligned Movement, draft resolution A/51/L.64 entitled "Report of the Security Council", under item 11 of the agenda of the General Assembly.

Articles 10 through 17 of the Charter of the United Nations refer to the functions and powers of the General Assembly. Under Article 15, the Assembly is to receive and consider annual reports and special reports of the Security Council. The Charter also stipulates, in Article 24, paragraph 3, that the Council is to submit annual and, when necessary, special reports to the General Assembly for its consideration.

These two provisions establish an extremely important link in the functioning of the United Nations, a link that indicates that, when the Council acts in accordance with the Charter, it is doing so on behalf of Member States. At the same time, there is a body within

96-87112 (E)

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the Organization — the General Assembly — in which all Member States are represented. This body has a very broad mandate with regard to all matters or questions that fall within the framework of the Charter.

The importance of the report of the Council to the Assembly is also emphasized by the fact that in paragraph 1 of Article 15, the Charter makes a separate reference to the report of the Council, emphasizing it and differentiating it from all the reports that the other United Nations bodies submit to the General Assembly. These other reports are referred to in paragraph 2 of the same Article.

The Movement of Non-Aligned Countries has resumed the process that was initiated by the General Assembly when it adopted by consensus resolution 48/264 of 29 July 1994. In that resolution, as well as in the draft resolution we are introducing today, the General Assembly emphasizes the importance of greater cooperation and an effective relationship between the Assembly and other main bodies, particularly with the Security Council, in keeping with the provisions of the Charter of the United Nations. In that resolution, as well as in this draft resolution, the General Assembly encourages the Council to submit its report in a timely manner.

In the draft resolution we are introducing today, the General Assembly encourages the Council to provide a substantive account of its work in order to allow the Assembly to consider the report as stipulated in Article 15, paragraph 1, of the Charter.

In the draft resolution that we have the honour to submit today on behalf of the Non-Aligned Movement, the General Assembly calls upon the Security Council to include in its report, as appropriate, information on the consultations of the whole undertaken prior to the adoption of measures; the decisions, recommendations or progress of work of the subsidiary organs of the Council, in particular the sanctions committees; and information on requests that have been received under Article 50 of the Charter and actions taken thereon.

In the draft resolution that we are submitting today on behalf of the Non-Aligned Movement, the General Assembly calls upon the Council to provide additional information in its reports in the section on the steps taken by the Council to improve its working methods.

In view of the fact that the annual report of the Council traditionally encompasses the period from July of the previous year through June of the year it is to be considered, the Assembly requests the Council to submit its annual report before the beginning of the general debate of the Assembly in September.

In the draft resolution, the General Assembly also encourages the Council to provide special reports in accordance with Articles 15 and 24 of the Charter.

In submitting this draft resolution, the Non-Aligned Movement is making a contribution to enhancing cooperation between the Council and the General Assembly. It is for that reason that in the draft, the Assembly requests its President to raise with the President of the Council, during their monthly informal meetings, the matters covered by the present draft resolution. The Assembly also invites the Security Council, through an appropriate procedure and mechanism, to update it on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly.

The President: We shall now proceed to consider draft resolution A/51/L.64.

I shall now call on those representatives wishing to make statements in explanation of vote before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Ladsous (France)(*interpretation from French*): The text of draft resolution A/51/L.64, which is before us today, is contrary to the interests of the United Nations because it attempts insidiously to hamper reform of the Organization, which is universally recognized as necessary. The draft resolution seeks confrontation; however, genuine progress can be achieved only through the negotiations currently under way in several working groups of the General Assembly and of the Security Council.

The French delegation learned of this text indirectly and late. Nonetheless, we sought to initiate a dialogue with the sponsors of the draft resolution. Along with others, we proposed to Colombia, which represented the sponsors of the draft resolution, some amendments that could have helped us to reach consensus. However, most of these amendments were rejected without discussion or the will to find an area of agreement. Accordingly, France invites all delegations seeking successful reform to disassociate themselves from this harmful and

tendentious draft resolution. The French delegation will therefore vote without hesitation against A/51/L.64.

This draft resolution is contrary to the Charter, which provides that the General Assembly and the Security Council are the two principal organs of the Organization. It does not indicate that one organ is a subsidiary of the other. We believe that, by saying "no" to this unfortunate draft resolution, we are defending the United Nations and the purposes and principles of the Charter.

I shall confine myself to just a few examples showing, among other things, how unreasonable and intentionally unrealistic this draft resolution is. First, operative paragraph 4 (a) requests that the annual report of the Council to the Assembly should include information on the Council's informal consultations — tantamount to requiring that there be an official account of work that, if it is to be effective, must be done informally. That is a contradiction in terms, and the requirement it involves is materially impossible to satisfy. It also sets a double standard, for the General Assembly itself does not require records for all of the informal consultations organized within its various bodies.

A second example is operative paragraph 4 (c), which calls on the Council to indicate, when it is acting on issues falling within the scope of the Assembly, to what extent related General Assembly resolutions have been taken into consideration. Since everyone knows that the Assembly's powers are not defined in a restrictive way in the Charter, this rule would require that the Council review all of the Assembly's resolutions to show that it has respected them. That is clearly inconceivable. Under the Charter, the Council is not an executive body of the General Assembly. Article 12 in particular defines the relationship between the two organs on questions of substance. Indeed, that Article which asks the Assembly not to make any recommendation on matters of which the Council is seized, differs markedly from what is set forth in paragraph 4 (c). The authors of paragraph 4 (c) can have been inspired only by the goal of political divisiveness; we find this deplorable.

The third, and final, example is paragraph 7, which requires that the measures taken by the Council to implement the draft resolution be inscribed on the agenda of the monthly meetings between the President of the Assembly and the President of the Council. These meetings between the two Presidents are not official in any way. They are not provided for in any decision of either organ, and it would thus seem paradoxical to request a fixed agenda by official act. As far as the President of the Security Council is concerned, he cannot be required to discuss specific matters. When such talks are held — and these are not a bad thing; they can even be useful — they must respect two principles: equality between the two participants, and freedom as to which matters should be taken up.

Those are just a few examples. Whatever happens today with respect to draft resolution A/51/L.64 will not change the French delegation's position, which favours the revitalization and restructuring of the United Nations launched by the Secretary-General, Mr. Boutros Boutros-Ghali. We will continue serenely, pragmatically and calmly to do everything we can to bring about concrete improvements in our working methods. We have endeavoured, and will continue to endeavour, to ensure that the report of the Council to the General Assembly is better every year. Our partners within the Security Council are aware of our sincere efforts to achieve fresh progress.

The text before us, however, advocates doubt rather than trust and condemnation rather than concertation; and it promotes dogma over action. If it is adopted, it will only make it more difficult for delegations of goodwill, which, like the French delegation, seek solid grounds of agreement and compromise. That is why we would like the Assembly to show clearly that the draft resolution does not enjoy its support and that it would prefer to undertake serious efforts on the working methods of the various organs of the United Nations. That is also why we will vote against draft resolution A/51/L.64.

Mr. Gomersall (United Kingdom): Three weeks ago we had a useful debate in this Hall on the Security Council's report to the General Assembly. Many delegations used that occasion to analyse the work of the Council and to comment on it over the period covered by the report.

We have encouraged efforts to make this debate a more substantive event and will continue to do so. Many other delegations also suggested further changes to the format of the annual report or to the method of its consideration in the Assembly. We carefully noted these suggestions as well, and will seek to consider them further in the bodies where such questions are already under discussion — not only the Council's own Working Group on documentation and other procedural questions, but also the General Assembly's Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other

Matters Related to the Security Council, and its Open-ended High-level Working Group on the Strengthening of the United Nations System.

For the United Kingdom's part, we are certainly prepared to see further changes to the Council's report where these are workable and useful. One cannot escape the fact, however, that the Security Council's report is basically a document of record, and is bound to remain so, however improved and refined. For up-to-date information on the daily meetings of the Council, the Council and delegations have developed a range of other methods; it is these methods, rather than the formal report, that are the essence of practical transparency.

Against this background, the draft resolution unfortunately seeks to pre-empt discussion in the three Working Groups that I have mentioned, and will not, in our view, aid the process of practical reform. My delegation, together with others, made our reservations clear at an early stage to the sponsors of the draft resolution. We agree with all the detailed textual comments made by France a moment ago. We offered suggestions for a more accurate and consensual conclusion to this item, but these were not accepted. We believe it brings this organ into disrepute if resolutions of the General Assembly are brought forward with little discussion and scant regard to the practical realities, with no real attempt made to reach an agreed text.

We shall therefore vote against the draft resolution for a number of reasons. First, this vote is contrary to our understanding that matters related to the enlargement and working practices of the Security Council should be dealt with as a package. The report is already under consideration in the Working Groups. We cannot both vote on it here and discuss it there.

Secondly, the draft resolution takes little account of the changes already made by the Council to its annual report. For example, it suggests the incorporation of elements such as the work of the Council's subsidiary organs, which are already the subject of Council reports. There are other proposals in the draft resolution that are simply unrealistic, including the requirement for the production of records of informal consultations and information on the process leading to Council action.

In conclusion, we shall be voting against the draft resolution because it contains a number of unimplementable recommendations; because it is inaccurate; and because it represents a piecemeal approach to United Nations reform, including that of the Security Council. It will do nothing to further the communication and cooperation between the Security Council and the General Assembly that you, Mr. President, are striving to promote. It simply creates a needless bone of contention, and we urge delegations not to support this draft resolution.

Mr. Tello (Mexico) (*interpretation from Spanish*): The draft resolution before us contains many measures that we agree with and support, and which are directed towards addressing the deficiencies in the annual report submitted by the Security Council to the General Assembly — a report that, to date, has generally been a routine transmission rather than a reflection of the substantive link that should exist between the two bodies.

We have repeatedly stated that the Security Council, to which all United Nations Member States have delegated the delicate task of maintaining international peace and security, should be more serious in meeting its reporting obligation, which is assigned to it by the Charter. Likewise, we regret that the General Assembly does not have an opportunity to carefully consider the report — a document whose contents continue, despite our repeated requests, to be devoid of analysis or substance.

The delegation of Mexico will vote in favour of the draft resolution because we have always firmly supported its objectives as well as the measures proposed therein. However, it should be clear that matters relating to the Security Council are an important part of the issues examined by the Working Group that is entrusted with Council reform which has as its mandate an expansion of the Council's membership as well as an updating of its working methods. Accordingly, we are concerned that a group of countries has decided to bring this matter before the General Assembly in an isolated manner. We doubt whether this course of action will enhance reform. We prefer to continue to seek, as indicated by the General Assembly itself, a general agreement on all matters relating to the composition and working methods of the Security Council within the context of the Working Group established by the General Assembly to that end.

Mr. Robinson (United States of America): My delegation regrets that we find ourselves unable to support a draft resolution on the report of the Security Council. Our regret is grounded not only in the content of the draft resolution contained in document A/51/L.64, but also in the lack of willingness to find common ground. Progress on the issues raised by the draft

resolution could continue if based on a search for common ground.

The established practice for the Assembly's handling of the report has been for the Assembly to take note of it, for delegations that wish to comment on it to do so, and for those comments to be taken into account by the Council. Any departure from this practice should have been based on full consultation on both form and substance. Even though concerns were conveyed to the prime sponsors, no effort to find agreement was forthcoming.

Turning now to the text of the draft resolution contained in A/51/L.64, the first thing that strikes one is the absence of any recognition of the substantial increase in the openness of the Council, made at the initiative of the Security Council with, I might note, the active participation and encouragement of my delegation. These changes include the advance publication of the agenda of informal consultations of the whole, greater reliance on open meetings, daily briefings by the presidency for non-members, regular meetings with troop contributors, regular meetings between the President of the Security Council and the President of the General Assembly, and the so-called Aria-style meetings, to cite a partial list of the reforms undertaken by the Council.

The Council has, moreover, sought to enhance the transparency of its work by increasing the accuracy of the notification of matters with which it is dealing required by Article 12 of the Charter. This last task has proven a slower process than we had hoped, and the Council has moderated its proposals in this area in response to requests from States not members of the Council. Nevertheless, the list supplied pursuant to Article 12 is more accurate and thus more nearly helpful than it was. We hope all concerned will recognize that this list is not meant to be a register of the problems in the world that may have not been resolved, but rather a list of those being dealt with by the Security Council.

As concerns substantive, analytical reports, as referred to in paragraph 3 of the draft resolution, efforts within the Council in the past suggest that the undertaking of such reports is more difficult, more elusive and more time-consuming than many seem to realize. Suggestions in the Council that those who favoured analytical reports should provide a draft of such a report on an item or items of their choosing did not produce any examples. Paragraph 4 of the proposed resolution raises a number of problems starting with its use of the term "calls upon". Further problems include the suggestion that reports should be prepared on closed, informal consultations, and the call for reports of subsidiary bodies that reflects neither recognition of the reporting already routinely done nor any apparent concern for the adverse effects on the work of such bodies that premature reporting on work in progress could entail.

The extent to which action by the Security Council reflects the recommendations of the Assembly, and the extent to which it reflects other bases, is likely to be an issue which could consume time and energy of the members of the Council, who could more productively be engaged in conflict resolution.

One could note problems with other paragraphs or sub-paragraphs, but I think the point has been made that the current text raises problems. Some of these problems could have been resolved or mitigated. Unfortunately, for whatever reason, the text before us does not reflect a common basis or even an attempt to reach a common basis. We think parts of it are distinctly ill-advised, and we shall consequently vote against it. We hope others who share our view that this is not the way to improve Council practice will join us in not supporting this draft resolution.

Mr. Gorelik (Russian Federation) (*interpretation from Russian*): The General Assembly's consideration of the report of the Security Council is one of the useful opportunities provided for in the Charter for dialogue and interaction between two of the principal organs of the United Nations. The report gives Member States a fairly full picture of the intensive work being done by the Council, and of its increasingly purposeful efforts to improve its own working methods.

Like other members of the Security Council, we take very seriously the wish expressed by a number of States to improve the format and the nature of the report, to increase its transparency and the transparency of the work of the Council. We agree that there is a need for sensible proposals to support efforts being made by the Security Council to enhance the effectiveness of its work. At the same time, we must note that the approach to the report of the Security Council to the General Assembly must be in accordance with the dictates of the Charter, particularly Articles 11 and 12, which provide for a kind of harmony between the powers and the status of the principal organs of the United Nations, including between the General Assembly and the Security Council. We believe that approaches that are emotional or less than fully balanced are out of keeping with this harmony.

To our great disappointment, the delicate balance between the General Assembly and the Security Council, which is one of the pillars of the United Nations, could be harmed by draft resolution A/51/L.64 before us today. Unfortunately the sponsors of the draft resolution did not deem it necessary to carry out serious rather than just pro forma consultations with all interested parties, including all the members of the Security Council. As a result, in our opinion, the draft resolution would simply weaken the relationship set forth in the Charter: it is an attempt to interfere with the procedures of the Security Council, to disrupt the sensible approach to transparency and the confidentiality of its work, and to force the Security Council to do nothing but write reports.

It is distressing that such an attempt is being made at a time when the Security Council is seeking to become more open and to enhance the dynamics of its interactions with other principal organs of the United Nations, including the General Assembly. The Russian delegation cannot agree to such an approach, and will vote against draft resolution A/51/L.64. We recognize the desirability of enhancing the analytical and informative nature of the reports of the Security Council to the General Assembly, and are willing to work with all interested delegations to seek collective, mutually agreed — not one-sided — decisions.

Mr. Karsgaard (Canada): Canada attaches great importance to improving the working methods and procedures of the Security Council. One of our objectives in the Security Council reform process has been to make the activities of the Council as transparent as possible. We believe measures taken in this regard will only help to enhance the credibility and legitimacy of Council activities.

We therefore welcome the attempt made by members of the Non-Aligned Movement to recommend improvements to the report of the Security Council to the General Assembly. However, we also believe that changes to Security Council working methods and procedures, to be most effective, should be based on consensus, including the support of Security Council members, which have the responsibility for implementing those changes. We would therefore have preferred an approach to this issue which, with time for consideration and discussion, might have received the full support of all Member States. For this reason, we will abstain in the vote on this draft resolution.

Mr. Horin (Ukraine): My delegation has thoroughly studied the draft resolution contained in document A/51/L.64 and finds it timely and important. This document is aimed at enhancing the transparency of the work of the Security Council and its cooperation with the General Assembly.

The delegation of Ukraine draws attention in particular to paragraph 2 of the draft resolution, which takes notes of the views expressed during the debate on agenda item 11 in November. We hope that the members of the Security Council, permanent, present and future, will use those views in their work to the benefit of the general membership.

My delegation considers the provisions of paragraph 4 to be relevant and realistic. We believe that this draft resolution, which exclusively concerns the report of the Security Council, will in no way hamper the work of any working group of the General Assembly in the future.

The delegation of Ukraine would like to add its name to the list of sponsors of this draft resolution.

Mr. Powles (New Zealand): My delegation believes that it is only in response to responsible pressure for reform that the non-elected members of the Security Council agree to change. For that reason, New Zealand will support this draft resolution.

The President: We have heard the last speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/51/L.64.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Dominica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands,

Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

France, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Andorra, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, China, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia

The draft resolution was adopted by 111 votes to 4, with 41 abstentions (resolution 51/193).

Subsequently, the delegation of Bosnia and Herzegovina informed the Secretariat that it had intended to vote in favour; the delegation of Latvia had intended to abstain.

The President: Before calling on the first speaker in explanation of vote after the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Patriota (Brazil): The consideration of the report of the Security Council by the General Assembly has acquired increasing importance with the Council's intensified activity in recent years. Raising the Council's transparency and accountability to levels compatible with the requirements of the Charter and the expectations of the general membership is a matter of utmost concern, to which Brazil ascribes the greatest importance.

My delegation supports the objectives of the resolution just adopted and endorses its motivation. While our affirmative vote expresses fundamental agreement with the thrust of the resolution's provisions, we would have favoured additional opportunity being afforded to interested delegations so that they could comment on specific formulations. More detailed and in-depth discussions on the draft would have created conditions more conducive to the implementation of the changes being sought.

We are convinced that the establishment of a solid and mutually reinforcing partnership between the Security Council and the General Assembly is not only desirable but necessary. But we are also persuaded that enhanced interaction between these two principal organs of the United Nations can only stand to benefit from broad consultation and a search for consensus.

Mr. Biørn Lian (Norway): The question addressed in draft resolution A/51/L.64 has important bearing on the work of the Security Council and indeed on the work of our Organization as a whole. My delegation therefore regrets that it was not possible to reach consensus on a text under this agenda item. Norway has consistently argued in favour of increased transparency in the work of the Security Council, and we share many of the objectives sought by the authors of the resolution. We wish, however, to pursue efforts towards these goals — in particular within the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council — with a view to reaching general agreement. In these endeavours it is necessary to respect the principles of the United Nations Charter with regard to the responsibilities of the General Assembly and the prerogatives of the Security Council. It is against this background that Norway abstained in the vote on draft resolution A/51/L.64.

Ms. Ramirez (Argentina) (*interpretation from Spanish*): Argentina voted in favour of the draft resolution on the report of the Security Council because we agree with the substantive aspects of its provisions. Our interest in achieving greater transparency in the work of the Security Council has been well known for a long time and has been demonstrated in concrete endeavours that have been open to all Members of the Organization. However, we would like to say that, in our view, the

resolution just adopted does not exhaust consideration of the principal issues related to the Charter obligation of the Security Council to report on its work. It is also certain that, given the importance of the subject, more time should be given to its consideration and to increasing the level of agreement among the members of the Assembly.

We believe that the initiative of the Non-Aligned Movement deserves high praise. In the same spirit, we would like to express our hope that further consideration of this item can take place following the same principles and working methods that we would like to see the Security Council embrace.

Mr. Campbell (Ireland): The European Union welcomes the efforts which have been made in recent years to give greater depth and precision to the annual report presented by the Security Council to the General Assembly. We would like to see this trend maintained and carried further in the interests of clarity and transparency.

Delegations will be aware that the issues covered in resolution 51/193 are already being discussed and negotiated in two high-level open-ended working groups, namely the Open-ended High-level Working Group on the Strengthening of the United Nations System and the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

The European Union wishes to see the most comprehensive agreement possible emerge from these discussions, which would advance the effective interaction between the General Assembly and the Security Council. We do not consider that it is appropriate at this stage to seek decisions in the General Assembly on only certain aspects of these issues while discussions continue in the two groups mentioned.

Those discussions should be purposefully pursued to achieve the most effective conclusions possible, with a broad consensus of all Members of the Organization. The European Union has accordingly been unable to support resolution 51/193.

Mr. Konishi (Japan): Japan has consistently supported the improvement of the working relationship between the Security Council and the General Assembly, and the enhancement in the transparency of the Council vis-à-vis the general membership. We reiterated this position in the earlier deliberations on this item, as well as in the discussion on agenda item 47, on the question of equitable representation on and increase in the membership of the Security Council.

For its part, as a non-permanent member during the years 1992 and 1993, Japan took concrete measures to improve the transparency of the Security Council, by, for example, briefing interested delegations.

Further improvement in the relationship between the Council and the general membership is one of the areas to which Japan intends to devote its energies in serving as a non-permanent member of the Security Council over the next two years. At the same time, I wish to stress that Japan is in favour of resolving the question of improving the relationship between the General Assembly and the Security Council through a comprehensive package of reforms that would deal with all other elements of reform, including the question of the composition and enlargement of the Security Council. We believe that the resolution does not conform to this position. We therefore abstained in the vote.

Mr. Rowe (Australia): Australia would have preferred to have been able to support a resolution under this item instead of abstaining, as its broad objective — enhancing the effectiveness of the important relationship between the General Assembly and the Security Council in accordance with the provisions of the Charter — is one that Australia strongly supports. There are measures proposed in this resolution that we endorse. However, we also note that the working methods of the Security Council are currently under consideration in the Working Group on Security Council reform and other working groups, the outcome of which will eventually be considered as a package. We believe that it would have been preferable to await the outcome of those deliberations, rather than prejudge that package through a separate resolution under this item. We also believe that a resolution on the report of the Security Council and on its working methods, if it is to have practical effect, should be based upon consensus. If such a draft resolution had been presented, we would have been pleased to join in consensus on it.

Mr. Sychou (Belarus) (*interpretation from Russian*): The Republic of Belarus has always advocated improvement in the working methods of the Security Council to enhance transparency and strengthen the relationship between the Security Council and the General Assembly, and making the reports of that principal organ more analytical. We abstained in the vote on draft

resolution A/51/L.64, however, because we believe that success in reforming the Security Council is possible only with the agreement and consent of all Members of the United Nations. Further work in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council will make it possible to establish, in an appropriate manner, a general approach to reform of the Security Council that could then form the basis for a consensus decision by the General Assembly.

The President: We have heard the last speaker in explanation of vote. May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 11?

It was so decided.

Announcement by the President

The President: I wish to inform the General Assembly of the tragic news received from the International Committee of the Red Cross (ICRC), an Observer of this Assembly. Six of its delegates were assassinated this morning by unidentified gunmen at their quarters at the hospital in Novye Atagi, near Grozny, Chechnya. I am deeply shocked and grieved by these killings and, as President of the Assembly, I would like to extend my deepest sympathies to the families of the deceased. The International Committee of the Red Cross pursues its work with courage and determination, in defence of humanitarian principles, by caring for people caught in conflicts and emergencies. I share with the ICRC the outrage and grief over this act of violence.

Agenda item 12 (*continued*)

Report of the Economic and Social Council (A/51/3)

The President: Members will recall that chapters I, II, III, IV, V (sections A and F), VI and VIII of the report of the Economic and Social Council were assigned to plenary meetings for consideration.

As members will recall, chapter V, section F, of the report of the Economic and Social Council concerns non-governmental organizations. This section contains the text of Council decision 1996/297, entitled "Non-governmental organizations", by which the Economic and Social Council

> "decided to recommend that the General Assembly examine, at its fifty-first session, the question of the participation of non-governmental organizations in all areas of the work of the United Nations, in the light of the experience gained through the arrangements for consultation between non-governmental organizations and the Economic and Social Council". *(A/51/3 (Part II), p. 187)*

Members will recall that on 26 November 1996, I announced that I had requested His Excellency Mr. Ahmad Kamal, Permanent Representative of Pakistan, to undertake informal soundings with Member States and non-governmental organizations in order to make a proper determination on the methodology, as well as on the substantive issue, of facilitating the participation of non-governmental organizations in all areas of the work of the United Nations.

I have now received a report from Ambassador Ahmad Kamal on his informal soundings, held on 2, 9, and 11 December 1996. Member States and non-governmental organizations accord priority to the matter and they expect urgent, focused and result-oriented action on the subject during the fifty-first session of the General Assembly. After the consultations that I have undertaken with Member States and the Bureau of the Open-ended High-level Working Group on the Strengthening of the United Nations System, I intend to establish a sub-group of the Open-ended High-level Working Group.

The sub-group could commence its work simultaneously with the Open-ended High-level Working Group next year. Its first task would be to determine, within the parameters of Economic and Social Council decision 1996/297, its programme of work, working methods and timetable, and then go on to address the substantive aspects of the subject with due regard to the urgency attached to the matter by Member States.

I should like to thank Ambassador Kamal for his diplomacy and leadership in conducting, on my behalf, the informal soundings. His knowledge of the subject should be of great help to the sub-group that will be set up.

May I take it that the Assembly wishes to take note of chapters I, II, III, IV, V (section A), VI and VIII of the report of the Economic and Social Council?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of chapters I, II, III, IV, V (section A), VI and VIII of the report of the Economic and Social Council?

It was so decided.

The President: We have thus concluded this stage of our consideration of agenda item 12.

Agenda item 18 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(g) Appointment of members of the Committee on Conferences

Note by the Secretary-General (A/51/107)

The President: As indicated in document A/51/107, since the terms of office of Chile, Egypt, France, Gabon, Japan, Pakistan and the Russian Federation expire on 31 December 1996, it is necessary for the President of the General Assembly, during the current session, to appoint seven members to fill the resulting vacancies. The members so appointed will serve for a period of three years beginning on 1 January 1997.

After consultations with the Chairmen of the groups of African States, Asian States, Eastern European States, Latin American and Caribbean States and Western European and other States, I have appointed Chile, Fiji, France, Gabon, Japan, Namibia and the Russian Federation as members of the Committee on Conferences, with effect from 1 January 1997.

May I take it that the Assembly takes note of these appointments?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 18 (g)?

It was so decided.

Agenda item 21 (*continued*)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations

Report of the Secretary-General (A/51/172)

Draft resolution (A/51/L.45/Rev.1)

(b) Special economic assistance to individual countries or regions

Reports of the Secretary-General (A/51/326, A/51/464)

Draft resolutions (A/51/L.26, L.48)

Draft decision (A/51/L.65)

The President: Should the General Assembly decide to adopt the draft decision contained in document A/51/L.65, it would defer consideration of draft resolution A/51/L.48 until later in the fifty-first session.

I call on the representative of Sweden to introduce draft resolution A/51/L.45/Rev.1.

Mr. Osvald (Sweden): Before introducing the draft resolution contained in document A/51/L.45/Rev.1, I should like to announce that the following additional countries have joined in sponsoring the draft resolution: Afghanistan, Albania, Armenia, Azerbaijan, Belarus, Burkina Faso, Congo, Côte d'Ivoire, the Czech Republic, the Democratic People's Republic of Korea, Djibouti, El Salvador, Ethiopia, Guinea-Bissau, Guyana, Haiti, Hungary, the Lao People's Democratic Republic, Latvia, Lebanon, Madagascar, Malta, Mongolia, Nicaragua, San Marino, South Africa, Togo, the United Republic of Tanzania and Zimbabwe.

On behalf of the sponsors, I have the honor to introduce the draft resolution, entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations", contained in document A/51/L.45/Rev.1. I should like first to draw the attention of the Assembly to a few minor corrections to the text. In the eighth preambular paragraph, the word "roles" should be in the singular, "role". In the first line of

operative paragraphs 13 and 14, the word "Secretariat" should be replaced by "Secretary-General". And finally, in paragraph 17, the word "fully" should be inserted after "enable it to carry out".

The draft resolution before the Assembly recognizes the increasing need for humanitarian assistance and adequate financial resources to ensure prompt, timely and effective response by the United Nations to natural disasters and other emergencies, both for relief and for the smooth transition from relief to rehabilitation, reconstruction and long-term development. The draft resolution also takes note of the report of the Secretary-General on strengthening of the coordination of emergency humanitarian assistance of the United Nations, document A/51/172 of 21 June 1996.

In the operative part of the draft resolution, the Assembly urges relevant United Nations organizations to participate actively in the follow-up process established by Economic and Social Council resolution 1995/56 and encourages Governments to ensure coherence in the direction given to the governing bodies of those organizations.

The draft resolution addresses the need for the members of the Inter-Agency Standing Committee to further define operational responsibilities to strengthen the work in priority-setting and the formulation of coherent humanitarian strategies, and requests the Secretary-General to include in his report to the 1997 substantive session of the Economic and Social Council recommendations on measures to make the Committee a more transparent and effective mechanism for inter-agency decision-making on coordination.

The draft resolution also recognizes the need for a clearer division of responsibilities between the different actors in addressing relief, rehabilitation, reconstruction and long-term development.

The Secretary-General is encouraged to further strengthen the cooperation and coordination between the Department of Humanitarian Affairs and other relevant departments of the United Nations Secretariat, to ensure a more effective United Nations response to natural disasters and other emergencies.

Furthermore, the Secretary-General is requested to present proposals to the 1997 substantive session of the Economic and Social Council on clearer identification of priority needs and the formulation of a coherent humanitarian strategy within consolidated appeals, and to make recommendations on possible ways to strengthen the effectiveness of the Central Emergency Revolving Fund.

Finally, the General Assembly once again stresses the critical need to create a sound and predictable financial basis for the Department of Humanitarian Affairs to enable it to carry out fully its mandate, and encourages the Secretary-General to continue to explore all possible solutions to achieve that goal.

The draft resolution was approved in the informal consultations conducted by Ambassador Sucharipa, the Permanent Representative of Austria, and I hope that it will be adopted by the General Assembly by consensus.

I would like to thank all the sponsors of the draft resolution and the many delegations that actively participated in the negotiations.

Before concluding, I would also like to pay special tribute to Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs, and his staff, as well as to the United Nations agencies involved, for their continuous dedication to alleviating the sufferings of the victims of natural disasters and other emergencies.

The President: I now call on the representative of the Congo to introduce draft resolution A/51/L.26.

Mr. Bakala (Congo) (*interpretation from French*): On behalf of the African Group, I wish to express to the observer of the International Committee of the Red Cross our deepest condolences on the assassination of six of its representatives in Chechnya.

I have the honour to introduce, on behalf of the African Group as well as Oman, Pakistan, Qatar, the Syrian Arab Republic and Yemen, the draft resolution contained in document A/51/L.26, entitled "Emergency assistance to the Sudan". The draft resolution is an updated version of resolutions adopted by the General Assembly since its forty-third session on humanitarian assistance to persons affected by the civil war in the southern part of the Sudan.

The draft resolution recognizes the need to address the continuum of relief, rehabilitation and development in Sudan so as to reduce dependence on external food aid and other relief services. It emphasizes the vital importance of peace, the alleviation of the suffering of

civilians touched by war and the delivery of relief supplies to the needy.

The draft resolution stresses also that Operation Lifeline Sudan should operate within the principle of national sovereignty and Sudanese and international law, which underlie international cooperation. It also stresses the need for Operation Lifeline Sudan to be operated with transparency and effectiveness in order to achieve to achieve the desired results.

It also stresses the importance of assuring safe access for personnel providing relief assistance to all in need. It further emphasizes the need for those to whom safe access must be assured to observe strictly the principles of Operation Lifeline Sudan.

In the past, the General Assembly has adopted all draft resolutions relating to humanitarian assistance. The sponsors of draft resolution A/51/L.26 hope that the General Assembly will adopt this draft resolution by consensus.

The President: I now call on the representative of Sudan on a point of order.

Mr. El Tinay (Sudan): Since its forty-third session, the General Assembly has adopted by consensus resolutions entitled "Emergency assistance to the Sudan". The consensus has been attributable to the purely humanitarian nature of the resolutions and the spirit of compromise among interested delegations. In line with that spirit and practice, the delegation of the Sudan entered into lengthy and constructive informal consultations with interested delegations with the aim of reaching consensus.

My delegation deems it a duty to extend our appreciation for the untiring efforts exerted by His Excellency Mr. Ernst Sucharipa, the Permanent Representative of Austria, who led the informal consultations with a constructive attitude and a great deal of patience and neutrality. As a result of these consultations, one preambular paragraph and nine out of ten operative paragraphs were either deleted or amended, while three new preambular and four operative paragraphs were included in the draft. The number of revisions and additions to the draft stand, without any doubt, as evidence of the flexibility of the delegation of Sudan.

The General Assembly, which is determined to implement the principles of the Charter may agree with me that achieving peace remains the most charitable goal for all of humanity. When the situation is of the type addressed by this draft resolution — a situation of prolonged civil war in which millions of suffering civilians are affected — it is imperative peace should receive our wholehearted support. We should welcome and give our unconditional support to any positive move towards the achievement of a comprehensive and lasting peace by the parties to the conflict.

The situation we are facing today is unique. We are facing a situation whereby some delegations that took part in the negotiations opted to sacrifice a draft resolution intended to solicit humanitarian assistance to civilians affected by civil war for the sake of their own political agenda. They resisted all of our efforts to convince them to welcome the peace charter signed by the Government of the Sudan and eight factions of the rebel movement. Instead, they adopted the position taken by the only faction whose only reason for not joining the peace process is that the peace charter was signed by rival factions without giving any consideration to the effect of their action in terms of exacerbating the suffering of civilians.

It is ironic that we have to resort to a vote in such a situation. The draft resolution before us is intended to help innocent civilians; if it is not adopted, the international community will only be depriving the neediest people in southern Sudan of vital humanitarian assistance. This is why we urge delegations to listen to their conscience and vote in favour of the draft resolution.

Before I conclude, I would like to remind the Assembly that the fruits that have been reaped from the peace agreement reached in Sudan, namely the peace charter with eight rebel factions, include the recent release of five hostages, due mainly to the intervention of the Government of Sudan with those factions that have signed the peace charter.

The President: We shall now proceed to consider under sub-item (a) of agenda item 21 draft resolution A/51/L.45/Rev.1, and under sub-item (b) draft resolution A/51/L.26 and draft decision A/51/L.65.

Before calling on the first speaker in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and they should be made by delegations from their seats.

Ms. Browne (Ireland): The European Union wishes to give an explanation before the vote on draft resolution A/51/L.26, entitled "Emergency assistance to the Sudan". The Czech Republic, Hungary and Poland align themselves with this statement.

The European Union regrets that it was not possible to reach a consensus on the draft resolution contained in document A/51/L.26, entitled "Emergency assistance to the Sudan". The European Union remains deeply concerned about the humanitarian situation in parts of Sudan and we wish to restate our commitment to respond to the fullest extent possible to the emergency and humanitarian needs of the people of the Sudan, in particular through Operation Lifeline Sudan. It is important that the Operation be able to deliver assistance effectively with the support and cooperation of all concerned. We wish to place on record our deep unhappiness that the General Assembly is about to have a vote on a matter relating to humanitarian assistance. In our opinion, agreement had been reached on all but one paragraph of the draft resolution at the informal consultations organized under the excellent chairmanship of the Permanent Representative of Austria, His Excellency Mr. Ernst Sucharipa. We wish to acknowledge the constructive compromises made by all parties in the negotiations in an attempt to reach consensus.

The European Union recognizes the sensitive political nature and importance of the one remaining issue on which it did not prove possible to reach agreement. Accordingly, the Union showed itself willing in the informal negotiations to go a considerable distance in an attempt to meet the concerns of the sponsors of the draft resolution on this matter. It is regrettable that despite those efforts it is the original text of the draft resolution that has now been submitted. In these circumstances, the member States of the European Union will vote against draft resolution A/51/L.26.

Mr. Hormel (United States of America): As the largest donor of humanitarian assistance to the Sudan, the United States remains concerned about the humanitarian crisis affecting the people of Sudan. We fully support and admire the United Nations agencies and non-governmental organizations that are providing assistance to the Sudanese people. Thus, we regret that this body was unable to reach consensus on addressing emergency assistance to the Sudan, and we regret that the United States must vote against draft resolution A/51/L.26.

From the beginning, the authors of this draft resolution put forward a politicized text. Three weeks of good-faith negotiations brought us extremely close to a resolution, but one delegation could not join consensus on one paragraph. Rather than continuing to work for a consensus text, the sponsors instead disregarded the progress that had been made and went back to their initial draft text.

Certain aspects of the draft resolution, including the proposed Government involvement in the management and operation of Operation Lifeline Sudan, are contrary to the spirit of Operation Lifeline Sudan and could result in the prevention of urgent humanitarian assistance from reaching all war-affected civilians in Sudan. My Government believes that the concepts contained in this draft resolution would make it difficult to render humanitarian assistance effectively to the people of Sudan in accordance with the principles of humanity, neutrality and impartiality.

The particular effort to politicize this humanitarian-assistance text came in Sudan's request to have the General Assembly make a political judgement on the Government's efforts to settle its internal conflicts through a political charter signed with some factions. In October, Sudan's Foreign Minister stated that the Sudanese Government is not bound to any particular document to achieve a negotiated settlement to the civil war; rather it is the concepts in the various existing documents which must be debated and agreed upon. We call on Sudanese officials to clarify the position they have taken in this draft resolution, which gives precedence to the political charter over the Declaration of principles and other negotiating documents.

Because these and several other elements do not belong in a humanitarian resolution, the United States will vote "no".

Ms. McVey (Canada): Canada deeply regrets that a consensus could not be achieved on this important issue. Canada today will vote against draft resolution A/51/L.26 on emergency assistance to the Sudan. Our vote should not be construed as a vote against the principles of humanitarian assistance, but rather as a reservation about some of the language contained in the text, which could detract from a coordinated international effort to effectively deliver humanitarian assistance to the Sudan. Canada has fully supported the humanitarian work of Operation Lifeline Sudan and will continue to do so.

It is a great shame that the countries of the United Nations cannot join together and agree on a resolution to

provide humanitarian assistance in the Sudan. The challenges before the parties involved in the conflict are now even greater.

Mr. March (Australia): Australia is making this explanation of vote on draft resolution A/51/L.26 on humanitarian assistance to the Sudan. Australia will abstain in the vote on the draft resolution. We regret that despite considerable effort by many delegations, agreement could not, in the final event, be reached. Humanitarian assistance matters are a deserved priority of this Assembly, and we reiterate our regret that consensus could not be reached at this time.

The President: The Assembly will first take a decision on the draft resolution submitted under sub-item (a) of agenda item 21. Draft resolution A/51/L.45/Rev.1 is entitled "Strengthening of the coordination of emergency humanitarian assistance of the United Nations".

I would like to announce in this connection that since the introduction of that draft resolution, the following country has become a sponsor of the draft resolution: Kazakstan.

May I take it the Assembly wishes to adopt draft resolution A/51/L.45/Rev.1?

The draft resolution was adopted (resolution 51/194).

The President: Under agenda item 21 (b), the Assembly will first take a decision on draft resolution A/51/L.26 entitled "Emergency Assistance to the Sudan".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakstan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zimbabwe

Against:

Andorra, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Argentina, Australia, Belarus, Bosnia and Herzegovina, Cyprus, Georgia, Marshall Islands, Micronesia (Federated States of), New Zealand, Palau, Republic of Moldova, Samoa, San Marino, Uzbekistan, Vanuatu

The draft resolution A/51/L.26 was adopted by 103 votes to 34, with 15 abstentions (resolution 51/30 I).

The President: Under agenda item 21 (b), the Assembly will now take a decision on draft decision A/51/L.65, entitled "Emergency assistance for the economic recovery and reconstruction of Burundi".

May I take it that the Assembly decides to adopt draft decision A/51/L.65?

The draft decision was adopted.

The President: I call on those representatives who wish to make statements in explanation of vote after the vote.

Mr. Tello (Mexico) (*interpretation from Spanish*): My delegation voted in favour of the draft resolution contained in document A/51/L.26, "Emergency Assistance to the Sudan", in view of the importance of the relief assistance in dealing with the serious situation that the civilian population of the Sudan is experiencing. However, we must point out that my Government considers that humanitarian assistance must abide strictly by the principles of humanitarianism, neutrality and impartiality in order to provide assistance to those populations that are most in need of it such as that of Sudan today.

My delegation would also note that no humanitarian assistance should be tainted with any political aspects alien to the spirit of humanitarian assistance. For this reason, today more than ever, Mexico would like to support the principles contained in General Assembly resolution 46/182.

Mr. Biørn Lian (Norway): Norway strongly regrets that it did not prove possible to reach consensus on draft resolution A/51/L.26, on humanitarian assistance to the Sudan, due to the politically difficult language in several paragraphs in the text. Norway therefore voted against draft resolution A/51/L.26.

Norway has a long-standing commitment to development efforts in the Sudan and to contributing to creating peace and reconciliation in that troubled country. We will continue these efforts, and I want to make it clear that our vote should not be seen as being directed against the principles of humanitarian assistance or, indeed, against extending such assistance to the Sudan.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 21?

It was so decided.

The President: The Assembly has thus concluded this stage of its consideration of sub-item (b) of agenda item 21.

Agenda items 21 and 39 (*continued*)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

(c) Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

Report of the Secretary-General (A/51/704)

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General (A/51/698)

Report of the Fifth Committee (A/51/736)

Draft resolution (A/51/L.49)

The President: Draft resolution A/51/L.49 has two parts. Part A is entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan", and part B is entitled "The situation in Afghanistan and its implications for international peace and security".

We shall now proceed to consider draft resolution A/51/L.49. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/51/736.

The Assembly will now take a decision on draft resolution A/51/L.49. I should like to add here that the new sponsors of the draft resolution are Afghanistan, Albania, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Greece, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia and Turkmenistan.

May I take it that the Assembly decides to adopt draft resolution A/51/L.49?

The draft resolution was adopted (resolution 51/195).

The President: I shall now call on those representatives who wish to explain their position on the resolution just adopted.

Mr. Kamal (Pakistan): Unlike in previous years, Pakistan did not co-sponsor the resolution on Afghanistan

this year, owing to its reservations on two operative paragraphs of the resolution.

Our first reservation refers to operative paragraph 10 of part A of resolution 51/195, entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan". While Pakistan does not condone discriminatory actions by any Afghan faction against women and children, we do not see any justification in establishing a linkage — as has been done in this paragraph — between humanitarian assistance and social issues. We feel that this paragraph of the resolution is against the principles governing humanitarian aid and would set an unfortunate precedent.

Our second reservation relates to operative paragraph 8 of part B of resolution 51/195, entitled "The situation in Afghanistan and its implications for international peace and security". This paragraph does not fully reflect the recent progress made by the United Nations Special Mission to Afghanistan, nor the result of the supplemental efforts made in this regard by Pakistan to arrange an immediate, unconditional, durable and verifiable ceasefire among the warring factions.

During these negotiations the Afghan parties reached a broad understanding on the elements of the ceasefire, which would include the establishment of a ceasefire commission consisting of representatives from both sides, the exchange of prisoners of war and dead bodies, and so on. There was also a broad understanding between the concerned parties that the next step would be the formation of a political commission or a broad-based, fully representative council, although some differences still exist on composition and sequence, as well as on the issue of demobilization of armed militias, the collection of heavy weapons, demilitarization and the establishment of a national security force.

Paragraph 8, which outlines the possible elements of a peace plan, incorrectly places the possible demilitarization of Kabul as an independent second tick of this paragraph, rather than as one of the functions of the broad-based authoritative council. The placement of this element as the second tick begs the question of which body will negotiate and supervise the demilitarization of Kabul.

The demilitarization of Kabul, as envisaged by the Afghans themselves, should have been one of the functions of the political commission or of the broad-based authoritative council. This anomaly in the resolution will not only make the realization of the peace plan difficult, but will also make the already difficult job of Mr. Holl more complex.

While Pakistan is fully supportive of the efforts being made by the United Nations Special Mission to Afghanistan, it is the fervent hope and expectation of my delegation that the mandate stipulated in the resolution will be interpreted in a pragmatic and flexible manner by the Special Mission, with the objective of realizing durable peace and national reconciliation in Afghanistan as soon as possible. We have no doubt as to Mr. Norbert Holl's political sagacity and ability to accomplish his important mission.

Mr. Hormel (United States of America): The United States has joined the consensus on this resolution. We feel it incumbent upon us, however, to express our concern that this resolution could jeopardize the $2.608 billion budget cap that this institution has implemented. In order to avoid that, the United States fully expects that the cost of this resolution will be offset by savings in other expenditures.

The President: Before we conclude consideration of the items, I am sure that members of the Assembly will join me in thanking Ambassador Ernst Sucharipa of Austria, who undertook the long and arduous task of holding consultations and negotiations on the resolutions adopted under agenda item 21.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 21 and agenda item 39?

It was so decided.

Agenda item 37

The situation of democracy and human rights in Haiti

Report of the Secretary-General (A/51/703)

Draft resolution (A/51/L.63)

Report of the Fifth Committee (A/51/739)

The President: I call on the representative of Chile to introduce draft resolution A/51/L.63.

Mr. Larraín (Chile) (*interpretation from Spanish*): I have the honour to speak on behalf of the sponsors of the draft resolution on the situation of democracy and

human rights in Haiti, which is contained in document A/51/L.63.

This draft resolution renews the mandate of the International Civilian Mission in Haiti (MICIVIH) until 31 July 1997, and, eventually to 31 December, depending on the recommendation of the report to be submitted by the Secretary-General at the end of the first semester.

Operative paragraph 1 reaffirms the work to be done by the joint Mission of the United Nations and the Organization of American States: monitoring full respect for human rights and fundamental freedoms in Haiti, providing technical assistance for institutional development in police training and in the establishment of an impartial judicial system and supporting the development of programmes for the promotion and protection of human rights to ensure coexistence and the consolidation of democracy and institutions in Haiti.

As has been traditional in draft resolutions on this subject, there are paragraphs reaffirming the commitment of the international community to development in Haiti and the Secretary-General's continued support for reconstruction efforts in the country.

I wish to express my sincere appreciation to the Secretary-General, to all the staff of the United Nations and the Organization of American States and to the contributing countries for their cooperation during all these years in the work of the democratic restoration and economic recovery of Haiti. It is clear that without their involvement it would have been impossible for the Haitian people to make the progress we witness today, of which we can all be justifiably proud.

A milestone was reached with the holding of presidential elections and Mr. René Préval's assumption of the presidency, when power was handed over to him by the departing President, Mr. Jean Bertrand Aristide. This transfer of power from one democratically elected President to another also chosen in a democratic election process was the first political event of its kind in the history of Haiti. Thus was a new and promising stage begun for the Haitian people. We must lend them every support as they face the work of economic reconstruction.

The International Civilian Mission in Haiti and the United Nations system face the great challenge of consolidating the progress achieved in Haiti. We trust that the effective work carried out by the staff of the Mission and the vast experience of the United Nations system in the work of supporting development will be the pillars of the new stage of cooperation that must be lent to Haiti.

Mr. Petrella (Argentina) (*interpretation from Spanish*): Argentina takes great pleasure in being a sponsor, together with the group of Friends of Haiti, of the draft resolution contained in document A/51/L.63, just introduced by the representative of Chile.

This draft resolution is designed to consolidate respect for human rights and fundamental freedoms in Haiti, which is the only way to ensure genuine sustainable development. We appreciate the Secretary-General's excellent report and agree with his optimistic conclusions. For that reason we reiterate our support for the International Civilian Mission in Haiti and congratulate the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, and the Secretary-General of the Organization of American States (OAS), Mr. César Gaviria, for their work.

The overall situation in Haiti, the progress in and consolidation of its democracy, the viability of its economy, appropriate regional and international participation and the development of that beloved country have been of interest to Argentina for a long time. Neither as a situation nor as a country can Haiti be dealt with by the United Nations in accustomed ways. In our view, Haiti is a very important part of the Caribbean and makes a valuable and necessary contribution to the hemisphere. Haiti represents francophone cultural contributions and unique values.

Haiti was an independent country when many of our countries in America were still colonies. Haiti therefore deserves, after so many years of bad governance, an extended opportunity to re-establish solid institutions. In both the General Assembly and the Security Council, our Organization has evinced the necessary sensitivity to support Mr. Préval and his Government in their efforts to do so. We trust that that sensitivity will be appropriately sustained.

Argentina became involved in the question of Haiti before its restoration of democracy. We believed that we could not and should not leave to other countries with a similar interest in humanitarian affairs the political and material efforts needed to solve Haitian problems.

Finally, we believe that if there is a common cause to unite us in America, it is the cause of democracy. In Haiti today that is precisely what is involved.

Mr. Karsgaard (Canada) (*interpretation from French*): I am pleased to speak today on the question of the situation of democracy and human rights in Haiti and to the draft resolution on that subject.

Since we met in August to consider the mandate of the International Civilian Mission in Haiti (MICIVIH), a number of events have taken place and have had an impact on the context in which we consider this draft resolution.

First of all, the Secretary-General has reported that, while relative calm was severely disrupted in August, the public security situation has improved. This has been due in large part to a public commitment on the part of the Haitian Government to resolve the question of its obligations to demobilized soldiers, the adoption by the Parliament of important economic legislation and the steadily improving performance of the new public security force, the Haitian National Police (HNP). Although MICIVIH issued a disturbing report in July on the human rights abuses committed by the HNP, the Secretary-General now reports that the Haitian Government's firm response to that information has managed to put an end to the most serious violations. We would therefore like to pay tribute to the Haitian authorities for their consistent efforts in the crucial area of public security.

MICIVIH, its Executive Director and its staff continue to perform invaluable work and, we believe, should also take credit for the progress towards full respect for the rule of law and human rights we are witnessing in Haiti. Canada attaches particular importance to the work of MICIVIH in human rights education and to the advice it offers to the Government and organizations in Haiti on ways to promote respect for human rights. For example, MICIVIH has helped draft prison regulations and has worked closely with the Office of the Inspector General of the HNP to improve its capacity for internal inquiries and disciplinary measures.

The Secretary-General notes in his report that the pace of judicial reform has not matched that achieved by the HNP and the penal administration. MICIVIH rightly drew attention in September to the growing problem of prolonged pre-trial detention. We cannot overemphasize the vital importance of judicial reform, and we welcome all the assistance that MICIVIH can provide in training officials in substantive human rights principles and processes. For its part, Canada is making judicial reform one of the priorities of its bilateral assistance programme, in recognition of the key role it will play in the country's long-term stability.

Canada believes that, as these developments have occurred, Haiti has entered a transitional phase. It is clear that the time for a peacekeeping mission in Haiti is coming to an end and that we are now moving to a phase in which peace-building activities will become essential. As the situation in Haiti stabilizes and the conditions for long-term economic development are put in place, activities which strengthen democracy and civil society will become ever more important.

We are pleased to note that the draft resolution before us today calls for a report on the future evolution of MICIVIH's mandate and makes reference to the report the Secretary-General will make on the nature of an international presence to follow that of the United Nations Support Mission in Haiti (UNSMIH). Having demonstrated its capacity to be a significant force for good in Haiti over the last few years, we can envision MICIVIH being given new and different activities in the field of peace-building, institution-building and technical assistance. We urge all delegations and specialized agencies to join with us in developing innovative ways of providing assistance to the Government of Haiti.

As we believe the draft resolution before us makes clear, we regret very much that the mandate could not, at this stage, have been extended until 31 December 1997, as President Préval had originally requested. We are confident that the Assembly will be in a position to respond fully to the President's request in July 1997.

In conclusion, we wish to lend the Canadian Government's continuing support to the Government of Haiti in overcoming the challenges facing it in this difficult phase of consolidating the progress accomplished over the past two years. We are also pleased to be able to recognize here the very important work that MICIVIH carries out in the field and to pay tribute to the vital role it plays.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union on the situation of democracy and human rights in Haiti. The following associated countries — Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — align themselves with this statement. Iceland and Norway also align themselves with this statement.

Democracy and human rights continue to be consolidated in Haiti. The Government of President Préval and Prime Minister Smarth has undertaken

important steps to address the pressing economic and social problems that confront the country. Efforts at building the institutions necessary to underpin democracy continue. The emphasis placed on institution-building and reform by the Government, the relevant authorities and the international community is starting to bear fruit. The European Union welcomes these developments, as well as the determination of the Haitian authorities to uphold human rights and to ensure the accountability of human rights violators. Along with the other members of the international community, we are actively supporting this process.

However, the report of the Secretary-General indicates that, despite these developments, the situation remains fragile. The violence that characterized the summer months underlines the need for continued vigilance. Despite improvements in the human rights situation, there continues to be cause for serious concern in a number of areas, notably in the judicial domain, where there are glaring violations of legal and constitutional procedures and continued failures to respect due process. There are numerous cases of prolonged pre-trial detention in prisons and police detention centres. Reports of excessive use of force by members of the Haitian National Police continue, albeit at a diminished rate. These have included reports of summary executions and allegations of beatings of people in police custody. There are few positive signs of progress in investigations into past human rights violations.

In these circumstances, it is clear that continued action by the United Nations Support Mission in Haiti (UNSMIH) and the International Civilian Mission in Haiti (MICIVIH) is essential to the effort to strengthen and consolidate democratic government and respect for human rights. MICIVIH has a crucial role to play in monitoring respect for human rights by the security forces, providing technical assistance for institution-building, notably in training the police and the judiciary, and supporting the development of a programme for the promotion and protection of human rights. These activities are essential for the establishment of a climate of freedom and tolerance necessary for the long-term consolidation of democracy and the rule of law in Haiti.

The members of the European Union have co-sponsored this draft resolution, which extends the mandate of MICIVIH until 31 July 1997. We reiterate the importance of providing assured funding for this operation and of ensuring that it can enjoy a degree of certainty in relation to the length of its mandate. We will be prepared to consider a further extension of this mandate until 31 December 1997 should the Secretary-General so recommend in the report which he will submit in accordance with operative paragraph 3 of the draft resolution.

Mr. Ladsous (France) (*interpretation from French*): Let me first state that my delegation associates itself with the remarks made by the Ambassador of Ireland on behalf of the European Union.

Restoring a state of law in Haiti is a long-term undertaking. It really cannot be based on deep-rooted democratic traditions or upon abundant resources. In many cases, old structures have had to be entirely swept away. In others, it has been necessary to reform inappropriate structures.

It is not surprising that this undertaking is still far from completion, as is shown by the Secretary-General's report. The picture he describes of the situation in Haiti is not touched up. He indicates that important progress has been made in reinforcing and modernizing the Haitian National Police (HNP), although some gaps still persist. He says also that the judicial and penal institutions are still a matter of concern.

The effort must therefore continue, and it is first and foremost up to the authorities and the people of Haiti to make this effort. But it is also up to the United Nations, and this because of two instruments: the United Nations Support Mission in Haiti (UNSMIH), created by the Security Council, and the International Civilian Mission in Haiti (MICIVIH), created by the General Assembly. In this connection, allow me to pay special tribute to all of the staff of these two Missions for their remarkable work and the dedication they have shown in fulfilling their tasks.

The Security Council recently decided, in resolution 1086 (1996), to extend the mandate of UNSMIH until 31 May 1997. By that resolution, the mandate would be extended until 31 July 1997 if the Secretary-General so recommended, without the Security Council having to take a new decision.

Today, the General Assembly is being asked to extend the mandate of MICIVIH until the same date, 31 July 1997. The Secretary-General recommended extension of this mandate up to the end of next year, which corresponded to the request by President René Préval. It was solely considerations relating to the financing of the Mission that led the Friends of the Secretary-General on Haiti, in agreement with the Haitian

delegation, to submit a draft resolution calling for a seven-month extension. At the same time, the draft resolution leaves open the possibility for the General Assembly to adopt a new decision to extend the mandate until the end of 1997.

France, as a co-sponsor of the draft resolution and contributor of aid to Haiti towards the establishment of the rule of law, hopes that this draft resolution will receive the unanimous support of the General Assembly as have earlier texts on the subject.

Mr. Lelong (Haiti) (*interpretation from French*): As the General Assembly once again takes up the agenda item entitled "The situation of democracy and human rights in Haiti", the Haitian delegation would like to renew its sincere and profound thanks to the international community for the interest it has taken in the struggle waged by the Haitian people for democracy and change.

Suffice it to recall the role played by the United Nations in the organization of the first free and democratic elections held in the country in 1990, in the mobilization and resistance against the *coup d'état* of 30 September 1991, and in the restoration of the democratic process in Haiti on 15 October 1994. Since the return to constitutional order, the United Nations has provided the Haitian authorities with assistance that has been indispensable to the work of rebuilding the country.

I cannot fail, on this very special occasion, to pay a special tribute to the Secretary-General, His Excellency Mr. Boutros Boutros-Ghali, for his constant commitment and tireless efforts to promote and protect human rights and fundamental freedoms in Haiti.

The advances of our countries in the areas of human rights and democracy are, without any doubt, grounds for satisfaction for the people of Haiti, as well as for the United Nations, which has made major efforts in this undertaking. The International Civilian Mission in Haiti (MICIVIH) is helping the Haitian authorities to consolidate what has already been achieved through the establishment or the reconstruction of the country's institutions. United Nations personnel are involved in Government programmes for training the police, and judicial and penal form.

The United Nations is sponsoring educational programmes in the area of human rights to incorporate respect for fundamental freedoms into the habits of our people, and in particular into those of the National Police. This effort has begun to yield fruits. We are pleased to note that police actions that infringe on the dignity of the individual are ebbing thanks to the vigilant fight against police brutality, the abuse of authority and corruption. It is equally noteworthy that units responsible for managing threats to public order have been able recently to deal with situations with firmness, professionalism and discernment, combining calm with a readiness to act.

The international community is also participating in Government efforts at economic development. Through United Nations agencies, we are receiving significant economic assistance. Such assistance continues to offset the effects of the poverty that rages in our country as we wait for the Government's efforts to restart the economy to begin to produce concrete results. Our National Assembly's approval of two laws concerning administrative reform and the modernization of public enterprises, respectively, has made it possible to complete negotiations with international financial institutions, which have already begun to release funds to finance the development programmes decided upon by the Government.

Similarly, friendly Governments are also generously helping our Government to deal with its socio-economic responsibilities. This is a demonstration of the solidarity of the international community, which goes straight to our hearts, and for which the Haitian people are deeply grateful.

Despite outstanding progress, however, much remains to be done for Haiti finally to be able to turn its back on a past of violence and failure, whose horrors continue to haunt the population. We must consolidate democracy, complete our work on the police force, establish solid institutions, and clean up the judicial system and make it more effective. The Government and the people of Haiti are still counting on support from the international community to help continue this enormous effort of building a democratic State.

The President: We shall now proceed to take action on draft resolution A/51/L.63.

The report of the Fifth Committee on programme budget implications of the draft resolution is contained in document A/51/739.

May I take it that the Assembly decides to adopt draft resolution A/51/L.63?

Draft resolution A/51/L.63 was adopted (resolution 51/196).

The President: I call on the representative of the United States for an explanation of vote after the voting.

Mr. Hormel (United States of America): We fully support the renewal of the mandate of the International Civilian Mission in Haiti (MICIVIH). The joint participation of the United Nations with the Organization of American States in MICIVIH serves as a model for cooperation between the United Nations and regional organizations. We are concerned, however, that this resolution could jeopardize the $2.608 billion budget cap that this institution has implemented. To avoid that, the United States fully expects that the cost of this mission will be offset by savings in other United Nations expenditures.

The United States believes strongly that the efforts of MICIVIH have contributed significantly towards continuing improvement in the overall human rights situation in Haiti. Working closely with the Government of Haiti, the United Nations Support Mission in Haiti and others, MICIVIH is directed towards fostering a climate of freedom and tolerance, furthering the development of democratic institutions and verifying full observance of basic human rights and fundamental freedoms.

Mr. Agathocleous (Cyprus), Vice-President, took the Chair.

We agree with MICIVIH's most recent report on the overall human rights situation in Haiti, which outlines a number of human rights violations committed by security personnel, but also recognizes the advancements made by the Haitian National Police. Though the aforementioned incidents are deplorable, they must be viewed in the larger context of recent Haitian history. For instance, local and international human rights organizations report that as many as 3,000 Haitians fell victim to political and extrajudicial murder during the 1991-94 period of military rule. Although the human rights record of the present Haitian Government is a tremendous improvement over that of the predatory military junta, greater progress is necessary to build a society based upon the rule of law. MICIVIH will continue to play an important role in this process.

The Acting President: We have heard the only speaker in explanation of vote after the voting.

We have thus concluded this stage of our consideration of agenda item 37.

Agenda item 40 *(continued)*

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Reports of the Secretary-General (A/51/338, A/51/693 and A/51/695)

Draft resolutions (A/51/L.18/Rev.1, A/51/L.57 and A/51/L.58)

Reports of the Fifth Committee (A/51/723, A/51/734 and A/51/735)

The Acting President: I call on the representative of Mexico to introduce draft resolutions A/51/L.57 and A/51/L.58.

Mr. Albin (Mexico) (*interpretation from Spanish*): It is an honour for the delegation of Mexico to introduce, on behalf of the sponsors, the draft resolution on the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) contained in document A/51/L.57. In addition to those appearing on the document, the following countries have signed on as sponsors: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, the Russian Federation, Sweden and the United Kingdom.

As can be noted, the preambular part of the draft resolution contains references to the draft's antecedents and to reports of both the Director of the Mission and the Secretary-General. The preamble also describes the support that the parties have given to MINUGUA, the Government's effort to combat impunity, the cessation of hostilities, the satisfactory progress made in the negotiating process, and the request of the parties that the United Nations should verify the agreements emerging from the negotiations.

With this foundation, the operative part welcomes and notes with satisfaction the reports of the Secretary-General and of the Director of MINUGUA. The draft resolution calls upon the parties to continue their efforts

to comply with their commitments in the area of human rights, and it encourages them to maintain the current momentum of the negotiating process in order to ensure, as they have agreed, that the Agreement on a Firm and Lasting Peace will be signed on 29 December. The text decides to authorize the renewal of the mandate of MINUGUA until 31 March 1997. During that time period the Secretary-General is requested to submit recommendations on how the structure and staffing of the Mission should be redesigned after the Agreement has been signed. On the basis of these recommendations, further decisions would be made.

In addition, the draft resolution once again invites the international community to intensify its support for the peace process, in particular through voluntary contributions to the Trust Fund for the Guatemala Peace Process established by the Secretary-General.

Having said this, I wish to point out that the sponsors of the draft resolution have held consultations and were told by the competent authorities in the Secretariat that the activities stipulated in the draft resolution would require no additional contributions from Member States for the current budget.

Finally, I wish to point out that the sponsors are convinced that, after 34 years of armed conflict, Guatemalans are on the threshold of peace and are ready to build a new platform for the political, economic and social development of their country. The capacities and presence of the United Nations will be essential to guarantee that the agreements will be converted into concrete and effective measures. To ensure this, there must be understanding, cooperation and support on the part of each and every one of the Members of the United Nations. The Guatemalan people deserve this opportunity. This is why the sponsors call upon the General Assembly to adopt draft resolution A/51/L.57 unanimously.

It is also an honour for the delegation of Mexico to introduce, on behalf of the sponsors, the draft resolution entitled "United Nations Office of Verification in El Salvador", which is contained in document A/51/L.58. In addition to those appearing on the document, the following countries have signed on as sponsors: Austria, Belgium, Canada, Denmark, El Salvador, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, the Russian Federation, Sweden and the United Kingdom.

After mentioning various antecedents and the report of the Secretary-General, the preambular part recognizes with satisfaction the efforts of the Government of El Salvador to honour the commitments contained in the peace accords. It welcomes the progress made towards a society characterized by democracy, the rule of law and respect for human rights. It also pays tribute to those Member States which have contributed personnel, technical assistance and funding to the peace process in El Salvador.

In the operative part, the draft resolution welcomes the continuing commitment of the Government and people of El Salvador to the consolidation of the peace process. It pays tribute to the accomplishments of the United Nations Office of Verification. The Assembly notes with satisfaction the commitment by the Government and other parties to the full implementation of the provisions of the peace accords, and it urges them to complete this implementation without delay.

In the draft resolution, the Assembly acknowledges that the work of the United Nations Office of Verification in El Salvador has come to an end. It decides that the responsibilities of verification and good offices entrusted to the United Nations will be executed through periodic visits to El Salvador by a high-level envoy from United Nations Headquarters. The Assembly also decides that the envoy should be assisted for a period of six months by a small unit in El Salvador, working with the administrative support of the United Nations Development Programme (UNDP). It should be pointed out that this team will be composed solely of four professionals.

In this connection, I should like to point out that the sponsors of the draft resolution held consultations, and were informed by competent authorities in the Secretariat that the activities provided for in the draft resolution will require no additional contributions to the present budget from Member States. The draft resolution also refers to the importance of cooperation among the various agencies of the United Nations system and again calls upon Member States and international institutions to continue to provide assistance to the development process in El Salvador.

Finally, it requests the Secretary-General to submit a report to the General Assembly before the end of June 1997 on the implementation of the draft resolution, including an assessment of the peace process in El Salvador.

The sponsors are convinced that this draft resolution will provide the final push necessary to ensure the complete resolution of all outstanding questions relating to the peace agreements. For these reasons, we hope that the Assembly will adopt it unanimously.

Mr. Campbell (Ireland): I am speaking on behalf of the European Union to address draft resolutions A/51/L.57 and A/51/L.58. The following associated countries align themselves with this statement: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

The European Union views with the greatest satisfaction the concluding phases of the peace process in Guatemala. Important agreements, signed in Mexico, Oslo, Stockholm and Madrid, provide for the strengthening of the civilian power and define the role of the armed forces in a democratic society, establish a definitive ceasefire, outline constitutional reforms and the electoral regime, and provide for the reintegration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) into political life.

This process will culminate on 29 December 1996 with the signature in Guatemala City of the Agreement on a Firm and Lasting Peace and an agreement on the timetable for the implementation and verification of the peace accords. The signing of these agreements will bring to an end the longest-running conflict in Central America and ensure that, for the first time in over 30 years, the region will be free of civil strife.

This result was not achieved without difficulties. The European Union wishes to pay tribute to the will and perseverance of all the parties involved in overcoming the difficulties and striving together to build in Guatemala a democratic society, based on the rule of law and open to the equal participation of all its citizens. The support of the international community, including the European Union, has been instrumental in helping to bring this process to a successful conclusion.

The progress made at the negotiating table has been accompanied by tangible progress in compliance with the Comprehensive Agreement on Human Rights, as has been underlined in the fifth report of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) (A/50/1006) and in the report of the Secretary-General (A/51/695). Nevertheless, the situation with regard to respect of human rights is still precarious, notably in relation to impunity. We welcome the demonstrated will of the Government of President Alvaro Arzú to fight this problem, and commend its continuing efforts.

The signature of the final peace accords will bring with it new tasks and responsibilities for the United Nations. We look forward to the Secretary-General's recommendations on how the structure and staffing of MINUGUA should be redesigned to enable the mission to fulfil these new duties. In the meantime, we support the renewal of MINUGUA's mandate until 31 March 1997, in accordance with the recommendations of the Secretary-General.

In El Salvador, the peace process has maintained its impetus and contributed to the consolidation of a democratic order, the rule of law and respect for human rights. Nevertheless, as pointed out in the report of the Secretary-General on the United Nations Office of Verification in El Salvador (A/51/693), there are a number of areas in which further efforts are needed to implement the peace accords in their entirety. Further measures are needed in the field of public security, including the institutional strengthening and reinforcement of the civilian character of the National Civil Police, and the development of the National Public Security Academy. The European Union is providing technical and financial assistance in these areas.

In the field of human rights, the office of the National Counsel for the Defence of Human Rights continues to be hampered by inadequate funding. The European Union is also concerned at the repeated death threats made against the National Counsel, and calls on the Government to take all necessary measures to protect her and bring to justice those responsible for the threats. The adoption of the Criminal Procedures Code, which will ensure compliance with a number of the recommendations of the Commission on the Truth, is still awaited. The implementation of a number of measures in the field of electoral reform has encountered delays.

The European Union welcomes the conclusion of the Secretary-General that the implementation of the commitments undertaken by the parties to the peace accords is entering its final phase. The involvement of the United Nations in successive phases of the peace process has been a vital element in underpinning progress. We welcome the fact that the responsibilities of verification and good offices entrusted to the United Nations can now be executed through periodic visits to El Salvador by a high-level envoy from New York. We also

look forward to receiving, in six months' time, a further assessment by the Secretary-General of the state of the peace process in El Salvador.

Mr. Westendorp (Spain) (*interpretation from Spanish*): My delegation fully endorses the comments of the Permanent Representative of Ireland, who has just spoken on behalf of the European Union. However, I should like to make a few additional observations, as Spain is a member of the Group of Friends of the Guatemala peace process and a contributor to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

This is a decisive moment in the history of Guatemala. For Guatemala, 1996 will, indeed, represent a milestone, as this is the year in which the aspirations to peace of an entire people will be fulfilled with the signing on 29 December 1996, by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), of the Agreement on a Firm and Lasting Peace. Spain is proud to be standing by the parties to this process, together with the United Nations.

We were pleased to see the major progress made in the negotiations, in which the Government of Guatemala and the URNG consistently demonstrated their resolve to move ahead towards specific achievements in each round of negotiations, effectively assisted by the United Nations. On 6 May 1996 in Mexico City they signed the Agreement on Social and Economic Issues and the Agrarian Situation, and on 19 September 1996 the Agreement on Strengthening of Civil Power and the Role of the Army in a Democratic Society. These agreements were of major importance, and established a solid foundation for reconstruction and reconciliation in Guatemala.

We are now in the final stages of the negotiations, which are proceeding in accordance with the time-frame established by the parties with the signing in Norway of the agreements on the definitive ceasefire on 4 December 1996, the agreement on constitutional reforms and the electoral regime, signed in Sweden on 7 December, and the agreement on the basis for reintegration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) into the political life of the country signed in Madrid on 12 December.

On that very day, pursuant to the request of the parties and to mediation by the United Nations, my Government sponsored a meeting to consider specific programmes on reintegration of the URNG and demobilized soldiers from the Guatemalan army; that meeting yielded satisfactory results to ensure the success of this important element of the peace agreement.

On 29 December 1996, the Government of Guatemala and the URNG will sign the Agreement on a Firm and Lasting Peace, along with an agreement on a timetable for verification of the peace agreements. The whole series of peace agreements will enter into force on that date, and Guatemala will turn a new page in its history.

Since the adoption of resolution 50/220 on 3 April 1996, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) has been discharging its verification mandate on human rights and institutional strengthening. My delegation noted with interest the fifth report of the Director of the Mission, dated 19 July 1996 (A/50/1006), and its conclusions.

We are pleased that, as the Secretary-General states in his report of 26 November 1996 (A/51/695), the role of MINUGUA has evolved with positive changes registered in Guatemala, and that the Mission has placed increasing emphasis on its institution-building role and, in particular, in respect of the administration of justice. We join the Secretary-General in commending the ongoing efforts of the Government of President Arzú to fight impunity in a situation where respect for human rights is still precarious. We also agree with his analysis of the dimensions of what has to be done to correct long-standing deficiencies in institutions entrusted with preventing, investigating, prosecuting and punishing crimes and violations of human rights.

Draft resolution A/51/L.57, which Spain drafted and is sponsoring along with other friends of Guatemala and which the General Assembly is about to adopt, by consensus we trust, would renew MINUGUA's mandate until 31 March 1997, pursuant to recommendations by the Secretary-General. This will enable the United Nations to prepare for the new tasks of verification of all the peace agreements that have been entrusted to it by the parties. During this time, MINUGUA will have to begin verifying all of the urgent measures adopted in this period.

My Government is well aware of the historic responsibility of the international community to guarantee

that the efforts of the Government of Guatemala and the URNG to achieve a firm and lasting peace are backed by a firm commitment to ensure their successful implementation. In no way must this be hampered by considerations other than consolidating democracy and establishing a State of law, national reconciliation, development and prosperity for the people of Guatemala in an atmosphere of freedom, justice and respect for human rights. We therefore hope that the United Nations and all of its Member States will live up to this.

Let there be no doubt that Spain will continue to assist the parties and all of Guatemalan society so that their fervent desires for peace and democracy can become a reality.

My delegation also fully endorses the statement of the representative of Ireland, speaking on behalf of the European Union, regarding the draft resolution (A/51/L.58) on El Salvador. However, as a member of the group of friends of the peace process in El Salvador and as a country providing personnel and assistance to the United Nations presence in El Salvador, we wish to make a few additional observations.

By draft resolution A/51/L.58, which we trust will be adopted by consensus, the responsibilities for verification and good offices entrusted to the United Nations will be executed through periodic visits to El Salvador by a high-level envoy from United Nations Headquarters,who for six months will be supported by a small support unit in El Salvador, working with the administrative support of the United Nations Development Programme (UNDP).

This decision is in accordance with the Secretary-General's recommendations in his report of 25 November 1996 (A/51/693) and with the wishes of the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN). The General Assembly would welcome the progress made in implementing pending issues in the peace accords and progress made since the establishment of the United Nations Office of Verification by resolution 50/226 of 10 May 1996.

The peace process in El Salvador stands as an example, in that the goodwill and firm commitment of the parties, with the international community standing by them, are establishing a solid foundation so that achievements at the negotiating table can take effect in the day-to-day life of the people of El Salvador. It is the responsibility of us all to guarantee this result.

My delegation has noted the Secretary-General's report and is pleased to see the progress that has been made in implementing pending aspects of the peace accords, to a large extent as a result of the tireless efforts of President Calderón Sol.

It is of particular importance to continue strengthening institutions dealing with public security, through the mechanisms created with the establishment of the National Council on Public Security and in implementation of the recent Police Career Law. As the Secretary-General stated, this is indeed an exemplary instrument for the professionalization of the police force. Institutions involved in public security must be able to inspire trust among the people within the context of the new institutional framework, taking account of the new realities in El Salvador.

Consolidating democracy and improving the standard of living of the people depend on strengthening institutions and respecting the State based on the rule of law. We welcome the agreement signed on 16 July 1996 between the National Counsel and the Minister for Public Security to coordinate the action of the office of the National Counsel and the National Civil Police in situations where social tensions might give rise to violence.

Such internal mechanisms for protecting and promoting human rights help to ensure the effectiveness of the instruments for strengthening democracy created in the peace accords. We would join in the request by the Secretary-General that the Office of the National Counsel be given the necessary resources and enjoy the cooperation of other State bodies.

Along with strengthening institutions, El Salvador must also carry out national reconstruction and development. Land transfer programmes and rural human settlement programmes are moving ahead at their own irreversible pace. The complexity of some of these issues requires the goodwill and flexibility of the parties, which are needed to carry out this important aspect of the peace accords satisfactorily.

The many programmes of technical assistance and institution-strengthening of United Nations agencies, particularly UNDP, that are committed to consolidating the peace process, the international financial institutions and donor countries, including Spain, demonstrate the firm commitment of the international community to

continue to stand by El Salvador as it strengthens its development.

We trust that over the next six months the parties will complete implementation of the pending aspects of the peace accords and strengthen what has already been achieved. El Salvador has in its hands the tools it needs to begin a new chapter in its history which will be an example to the rest of the world, an example of concord, democracy and development.

The Acting President: The Assembly will now take a decision on the three draft resolutions before it.

The Assembly will first take a decision on draft resolution A/51/L.18/Rev.1, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

The report of the Fifth Committee on the programme budget implications of draft resolution A/51/L.18/Rev.1 is contained in document A/51/723.

May I take it that the Assembly decides to adopt draft resolution A/51/L.18/Rev.1?

The draft resolution was adopted (resolution 51/197).

The Acting President: The Assembly will next take a decision on draft resolution A/51/L.57, entitled "United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala".

The report of the Fifth Committee on the programme budget implications of draft resolution A/51/L.57 is contained in document A/51/735.

May I take it that the Assembly decides to adopt draft resolution A/51/L.57?

The draft resolution was adopted (resolution 51/198).

The Acting President: The Assembly will now take a decision on draft resolution A/51/L.58 entitled "United Nations Office of Verification in El Salvador".

The report of the Fifth Committee on the programme budget implications of draft resolution A/51/L.58 is contained in document A/51/734.

May I take it that the Assembly decides to adopt draft resolution A/51/L.58?

The draft resolution was adopted (resolution 51/199).

The Acting President: I shall now call on the representative of the United States of America, who wishes to explain his position on the resolutions just adopted. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Hormel (United States of America): Today the Guatemalan people are on the verge of true peace for the first time in 36 years. On 29 December, in Guatemala City, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) will sign a comprehensive agreement ending their nation's long, bloody civil war which has cost more than 100,000 lives. Extension of the mandate of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) will help ensure successful implementation of that agreement.

Since 1994, the United Nations human rights verification Mission in Guatemala has been responsible for monitoring verification of the commitments made by the Government of Guatemala and by the URNG. Without MINUGUA's presence in Guatemala, it is inconceivable that the parties could have achieved this agreement. By helping to strengthen respect for human rights and end impunity for human rights abusers, MINUGUA is helping to eliminate the climate of fear and insecurity which has prevailed in Guatemala throughout the 36-year civil war; the Mission has thus hastened the end of the war.

The presence of MINUGUA has provided the parties and the Guatemalan people with the confidence necessary to move the Guatemalan peace process forward. MINUGUA has strengthened civic and governmental institutions which deal with human rights and has provided accurate and unbiased investigation of and reporting on alleged human rights abuses. MINUGUA's presence throughout Guatemala provides needed assistance to victims of abuse, many of whom are fearful of approaching Government authorities who may have been involved in present or past abuses.

The people of El Salvador, its Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) have made enormous progress in the implementation of the 1992 peace accords with the assistance of the United Nations. The parties must, however, take every necessary measure to complete those few remaining elements of the Chapultepec Accords. The United States of course fully supports the efforts of the parties and the Salvadoran people to implement the peace accords and consolidate the important gains that have been made.

The United States has provided nearly $300 million in bilateral assistance to fund reconstruction and reconciliation in El Salvador. We continue to assist the Salvadoran Government and people through bilateral and multilateral assistance, trade and cooperation programmes.

Implementation of the Chapultepec Accords has been monitored by the United Nations, which has strived to maintain an appropriate presence in El Salvador over the past five years. Twice previously the Mission has been reconfigured to meet the demands of its mandate. In the light of progress made in El Salvador and the resource demands placed upon the United Nations system for peacekeeping and other missions, the time has come again to restructure and reduce the mission in El Salvador.

Let there be no doubt: the United States stands with the people of Guatemala and the consensus of this body in supporting an extension to the mandate of MINUGUA. We stand with the Salvadoran people and this body in supporting continued United Nations engagement in El Salvador. We also support the activities authorized by the omnibus resolution on the situation in Central America, resolution 51/197. However, we are concerned that these three resolutions could jeopardize the $2.608 billion budget cap that this institution has implemented. To avoid that, the United States fully expects that the cost of these missions will be offset by savings in other United Nations expenditures.

The Acting President: We have heard the only speaker in explanation of vote.

I call on the representative of Guatemala.

Mrs. Fuentes Orellana (Guatemala)) (*interpretation from Spanish*): My delegation would like briefly to express its gratitude for this new extension of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), which, in accordance with the recommendation of the Secretary-General in his report (A/51/695), will be extended until 31 March 1997.

We are pleased to note the demonstration of support that the international community is giving to the peace process in my country by adopting resolution 51/198 by consensus. It gives us enormous satisfaction to highlight how rapidly the peace process is developing at present, which this month has led to the signing of three important agreements: the agreement signed on 4 December in Oslo on the definitive ceasefire; the agreement signed on 7 December in Stockholm on constitutional reforms and the electoral regime; and the agreement signed on 12 December in Madrid on a basis for the reintegration of the Unidad Revolucionaria Nacional Guatemalteca into political life.

All of this leads to the prediction that the Agreement on a Firm and Lasting Peace will be signed on 29 December 1996 as agreed. This is how the Government of President Alvaro Arzú is translating into concrete actions the offer he made at the beginning of his term of office to pursue peace negotiations and demonstrating his dedication to implementing the agreed timetables.

We would like to express the thanks of the people and the Government of Guatemala for the efforts of the Secretary-General and his representatives, who in various capacities have contributed to progress in the peace process. In particular, we would like to thank the United Nations Moderator, Mr. Jean Arnault, the small but efficient Guatemala unit in the Secretariat and all of the members of the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala.

We also wish to express our thanks to Colombia, Mexico, Norway, Spain, the United States of America and Venezuela, which, as the Group of Friends of the peace process, have shown their tireless support throughout the negotiations.

In conclusion, we also wish to thank Mexico, Ireland and Spain for their statements because they reflect the international community's solidarity with our constant efforts.

The Acting President: I call on the representative of El Salvador.

Mr. Meléndez-Barahona (El Salvador) (*interpretation from Spanish*): One more step in the area of verification and good offices has been taken towards the implementation of the peace accords in El Salvador, which goes back to the establishment of the partial mission to monitor the San José Agreement on Human Rights signed in 1990. We are pleased to say that as the commitments of the peace accords have been implemented in El Salvador, the United Nations Office of Verification in El Salvador is changing its structure, shifting from a comprehensive peacekeeping operation authorized by the Security Council to a simpler mechanism adopted by the General Assembly through regular visits by a high-level envoy and a support unit in El Salvador working with the administrative support of the United Nations Development Programme.

As noted in the resolution, almost all of the commitments have now been implemented, which shows the serious-mindedness and political will of the Government of El Salvador and the other parties to the peace accords with a view to attaining the objectives and fulfilling the desire of the people of El Salvador to strengthen peace, stability and democratic institutions.

Although the mandate of the United Nations Office of Verification (ONUV) will conclude on 31 December pursuant to talks between representatives of the Secretary-General and the highest authorities in El Salvador, including the President, Mr. Armando Calderón Sol, the United Nations presence in El Salvador is still deemed essential and important for the implementation of some pending matters which, according to the United Nations Office of Verification in El Salvador, amount to barely 2 per cent of the total and have been delayed due in large part to administrative matters. This will is clearly expressed in the resolution on the United Nations Office of Verification which the Assembly has just adopted.

In this connection, the Government of El Salvador will do everything possible to ensure that the institutions deriving from the peace accords have the necessary resources and means to implement their respective mandates, particularly as regards strengthening the protection of human rights and consolidating democracy and comprehensive social development in El Salvador.

We would like to express our appreciation to the Secretary-General, the Friends of the Secretary-General and the international community, particularly the donor community, for their solidarity during the peace process, both before and after the peace accords were signed. We appreciate the positive statements made by several delegations in connection with progress made in El Salvador, which we believe would not have been possible without that outside assistance.

We trust that, as some delegations have said, the international community will continue to stand by us as we strengthen democracy and promote comprehensive development. So we are pleased and grateful that draft resolutions A/51/L.18/Rev.1, A/51/L.57 and A/51/L.58 were all adopted by consensus, reflecting the support and solidarity of the international community in respect of the desires for peace and stability in Central America and particularly in Guatemala and El Salvador.

The Acting President: We have now concluded this stage of our consideration of agenda item 40.

The meeting rose at 1.15 p.m.

United Nations A/51/PV.88

General Assembly

Fifty-first Session

Official Records

88th plenary meeting
Tuesday, 17 December 1996, 3 p.m.
New York

President: Razali Ismail ..... (Malaysia)

The meeting was called to order at 3 p.m.

Agenda item 16

Appointment of the Secretary-General of the United Nations

Letter from the President of the Security Council to the President of the General Assembly (A/51/732)

Draft resolutions (A/51/L.66 and A/51/L.67)

The President: I call on the Secretary-General.

The Secretary-General (*interpretation from Arabic*): I should like to begin my statement by expressing my deep sense of gratitude and appreciation. I convey a personal greeting to all States Members of this Organization, a special greeting and acknowledgement to all the Heads of State or Government who have honoured me with their support and assistance, and my sincere gratitude to Their Excellencies the Ministers, Permanent Representatives and members of delegations for their support and help. I am grateful for the valuable help provided by my aides, who have assisted me in discharging my functions over the past years. I should like also to acknowledge everyone who has helped to maintain the credibility of the United Nations and the independence of its soul.

(*spoke in English*)

Five years ago, responsibility for the Office of Secretary-General was placed in my hands. I am grateful to have had the privilege of serving the peoples of the United Nations during this time. Today I am proud of the way the United Nations has responded to the challenges of these difficult years.

I have had the difficult task of guiding the United Nations during the post-cold-war period. The next century has already begun. Great transformations do not wait for the calendar. The past five-year period opened with optimism and enthusiasm. Member States called on the United Nations to take action, on an unprecedented scale, for peace, development, democratization and reform.

My first act for peace as Secretary-General was to sign at Chapultepec on 16 January 1992 the Agreement on peace for El Salvador, a great achievement by my distinguished predecessor, Mr. Pérez de Cuéllar.

The first-ever Summit Meeting of the Security Council took place on 31 January 1992.

My report issued in May 1992, "An Agenda for Peace", launched an international debate on preventive diplomacy, peacemaking, peacekeeping and the new concept of post-conflict peace-building.

From El Salvador to Cambodia to Angola and Mozambique, the United Nations adapted United Nations peacekeeping to unprecedented forms of conflict.

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Development also was given a new opportunity. The easing of ideological tensions and the expected peace dividend raised hopes for development cooperation. The landmark Earth Summit in Rio de Janeiro in June 1992 yielded the first-ever global plan — Agenda 21 — for a new and equitable partnership to achieve sustainable development.

Democratization became a new feature of the work of the United Nations. Member States, new and old, turned to the United Nations for support in democratization. The United Nations quickly developed its capacity to provide electoral assistance.

It was clear to me, as I took up the office of Secretary-General, that the United Nations would have to undergo comprehensive change. I simplified Secretariat structures and began a process of managerial reform. This, in turn, stimulated more demand for reform.

Throughout the period leading up to the fiftieth anniversary of the United Nations, reform was the issue of the day. In Governments, universities and foundations drew up proposals for restructuring and reorganizing.

But the middle years of this half-decade were deeply troubled. Disillusion set in. Where peacekeepers were asked to deal with warfare, serious setbacks occurred. The first came in Somalia, and it weakened the will of the world community to act against genocide in Rwanda. In Bosnia, too, hard choices were avoided. The concept of peacekeeping was turned on its head and worsened by the serious gap between mandates and resources. The volume of assistance to developing countries was not only failing to grow, it was, in fact, declining. Resources for long-term development were being diverted to emergency efforts. Africa was hit hardest.

Despite high hopes for democratization, a counter-trend emerged. Atrocities in violation of human rights reached unprecedented levels. The horror of ethnic cleansing emerged. In some countries, democratization proved more difficult than expected, creating political instability, social disarray and economic disappointment. Democratization in some cases slowed, or was even eroded.

And it emerged that the conditions for major reform of the United Nations did not yet exist. The decisions required far exceeded the authority of any Secretary-General. Extensive reform of the United Nations can emerge only from a consensus among Member States on the goals of reform. Until such a consensus exists, and until the political will emerges to take hard decisions and to reform intergovernmental machinery along with Secretariat structures, major institutional reform will be very difficult. And throughout this time of disillusion, the Organization's financial crisis continued to pose a serious obstacle to reform.

The United Nations is emerging from the mood of disillusion. The fiftieth anniversary brought an impressive recommitment by Member States to their world Organization. A new sense of maturity seems possible. We have begun to restore the logic of United Nations peacekeeping and to clarify our approach to the range of instruments contained in the Charter. The division of labour between the United Nations and regional organizations continues to improve.

As I described to the Lyon Summit of the Group of Seven last June, the United Nations is now working closely with the Bretton Woods institutions on development policy and on projects in the field. The flagship of this effort is the System-wide Special Initiative on Africa, which I inaugurated earlier this year. And a new global policy consensus has begun to take shape. The Rio Conference on Environment and Development, the Vienna Conference on Human Rights, the Yokohama Conference on Natural Disaster Reduction, the Cairo Conference on Population and Development, the Naples Conference on Transnational Crime, the Barbados Conference on the Sustainable Development of Small Island Developing States, the Copenhagen World Summit for Social Development, the Beijing Conference on Women; the Istanbul Conference on Human Settlements and the ninth United Nations Conference on Trade and Development (UNCTAD IX), on globalization and liberalization in South Africa — all have been dedicated to the betterment of the individual human person.

Taken together, this series of conferences has created an entirely new dimension of international cooperation. It has set the stage for restoring development and international economic cooperation to the place it should occupy on the agenda of the United Nations, as a major objective of the Organization in its own right and as a precondition for lasting peace and progress. This is the Charter's conception. This is the conception that the Group of 77 has struggled long and hard to defend. And this should be a key objective of further reform of the Organization in the economic and social area.

For democratization, a more comprehensive and effective United Nations approach is taking shape.

Beyond help in holding free and fair elections, the United Nations today offers a range of forms of assistance, from support for a culture of democratization to institution-building. To succeed over time, democratization within a nation must be supported by a process of democratization among nations. The democratization of the international system is one of the greatest tasks ahead.

The past few years have brought a new and wide recognition that reform is well under way. The path forward can now be seen. Roles and responsibilities are more clearly understood. Key issues of intergovernmental reform relating to the Security Council, assessments and peacekeeping debts are seen to be linked. Proposals are being put forward by Member States for the settlement of arrears.

Most importantly, there is a new recognition that reform is not an end in itself. Reform which seeks to turn the United Nations away from its fundamental responsibilities under the Charter can legitimately be opposed. The test of true reform will be whether it will improve the capacity of the United Nations to meet those responsibilities and to advance the common objectives of the peoples of the United Nations and its Member States.

The downward trend has been broken. What is emerging is a United Nations that is more mature in outlook and stronger in achievement; a United Nations aware not only of its potentialities, but also of its limits. Enthusiasm, disillusion and realism: This has been the history of the United Nations over the past five years.

Now, let us look to the future. Some old problems appear to be solved. But new problems and old problems in new forms have emerged. For some, the world seems more secure. But for many others, devastation, death and despair have become more common. For some, economic progress races forward. But for vast numbers of others, stark poverty crushes hope in every dimension of personal and community life.

What use the world makes of the United Nations in the next few years can affect the course of world affairs for generations to come.

Most immediately, the financial crisis continues. Just as my predecessor said to this Assembly in his last address, I too must state that I have been unable to resolve the financial crisis. This is a threat to the future of the United Nations that began over a decade ago. We know what is causing it, and we know what is needed to end it. It is not the result of mismanagement. It is the refusal to fulfil a treaty obligation.

Now that a new Secretary-General is being appointed, all arrears should be paid at once, as has been promised so often in the past few months.

In saying farewell to this great Assembly, I want to stress that nothing is more precious to the United Nations than its reputation. That reputation rests on four pillars: impartiality, equity, efficiency and achievement. A fifth principle is independence. If one word above all is to characterize the role of the Secretary-General, it is independence. The holder of this office must never be seen as acting out of fear or attempting to curry favour with one State or group of States. Should that happen, all prospects for the United Nations would be lost. The Secretary-General's loyalty must be international, and nothing but international. An international civil service must be a real civil service.

Throughout the past five years, the first thing I thought about when I woke up in the morning was my responsibility as Secretary-General to the ideals of the Charter, and the independence and credibility of the Organization.

(spoke in French)

By way of conclusion, my thoughts go to all the men and women of goodwill with whom I have worked over these past years to confront the difficulties that we have all faced together. I have appreciated their competence, their devotion and their self-denial. Sometimes I have also had to pay tribute to their sacrifices. All those men and women who are devoted to the general interests of the international community are the real wealth — the real future — of this world Organization. I assure them today of my highest consideration and gratitude.

In particular, I should like to congratulate the new Secretary-General of the United Nations, Kofi Annan, who has served this institution for many years with tenacity, competence and great energy. I am convinced that his varied experience will be useful in resolving problems that he will confront and in defending the interests of the Secretariat and of the entire staff of this world Organization.

Finally, I would like to thank the General Assembly for having five years ago to me entrusted this high post

in which I have continued the work that I have been conducting for so long now in the service of peace, development and human rights.

You can count on me to continue to place my energies in the service of the great ideals of the Charter. You can count on me to continue to defend the United Nations.

The President: I thank the Secretary-General.

The Assembly has before it document A/51/732 containing a letter dated 13 December 1996 from the President of the Security Council addressed to the President of the General Assembly. Members will recall that on that same day I transmitted copies of that letter by fax to all Permanent Missions. In this regard, I call on the President of the Security Council, who will report to the Assembly on the work undertaken by the Council on this matter.

Mr. Fulci (Italy), President of the Security Council: It is an honour and a privilege for me, in my capacity as President of the Security Council for the month of December, to address the General Assembly in order to convey to it the recommendation of the Security Council for the appointment of the Secretary-General of the United Nations.

At its 3725th meeting, held in private on 13 December 1996, the Security Council adopted by acclamation two resolutions: resolution 1090 (1996), concerning the recommendation for the appointment of the Secretary-General; and resolution 1091 (1996), expressing appreciation to Secretary-General Dr. Boutros Boutros-Ghali.

I shall now read out the texts of the two resolutions. Resolution 1090 (1996) reads as follows:

"*The Security Council*,

"*Having considered* the question of the recommendation for the appointment of the Secretary-General of the United Nations,

"*Recommends* to the General Assembly that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a term of office from 1 January 1997 to 31 December 2001."

Resolution 1091 (1996) reads as follows:

"*The Security Council*,

"*Recognizing* the central role that Secretary-General Dr. Boutros Boutros-Ghali has played in guiding the Organization in the discharge of his responsibilities under the Charter of the United Nations,

"*Further recognizing* his sustained efforts towards finding just and lasting solutions to various disputes and conflicts around the globe,

"*Commending* the reforms that he has initiated and the many proposals that he has made on the restructuring and strengthening of the role and functioning of the United Nations system,

"1. *Acknowledges* the contribution of Secretary-General Dr. Boutros Boutros-Ghali to international peace, security and development, his exceptional efforts to solve international problems in economic, social and cultural fields, as well as his endeavours to meet humanitarian needs and to promote and encourage respect for human rights and fundamental freedoms for all;

"2. *Expresses* its deep appreciation to Secretary-General Dr. Boutros Boutros-Ghali for his dedication to the purposes and principles enshrined in the Charter and to the development of friendly relations among nations."

Allow me to add, also on behalf of the members of the Security Council, our warmest wishes to Mr. Kofi Annan and the assurances of our deepest respect for Dr. Boutros Boutros-Ghali.

Mr. Kofi Annan, whose name is now being submitted to the decision of the General Assembly, is an eminent son of Africa who fully understands the origins and the often devastating effects of the crises to which our world is prey. On many occasions he has shown the ability to find a fair, impartial and effective middle road by which the United Nations can help to ease the tensions at the heart of so many of today's conflicts.

The curriculum vitae of Mr. Kofi Annan is a testimony to more than 30 years of almost uninterrupted dedication to the many-faceted tasks that the United Nations performs. Time and again, the Organization, and Secretary-General Boutros-Ghali in particular, have entrusted assignments of grave responsibility and diplomatic delicacy to the capable hands of Kofi Annan. Time and again, Mr. Kofi Annan has not disappointed the

faith in him. We have no doubt that, as Secretary-General, he would once again meet and exceed all our expectations and carry out his duties in the most impeccable, impartial and independent way.

At the same time, allow me to say that we all owe an immense debt of gratitude to Dr. Boutros Boutros-Ghali, whose vision of the United Nations and message of mutual understanding between diverse peoples and cultures will remain a source of continuous inspiration to our Organization and to all of us.

The high visibility and dignity that he and his wife, Leia, have given to the Organization during the past five years is only one measure of their success in our behalf.

Dr. Boutros Boutros-Ghali leaves us a legacy that will guide our debates for years, if not for generations, to come. The testimony to his monumental efforts is there for all to see in his outstanding studies, "An Agenda for Peace" and "An Agenda for Development," concerning the two key tasks of the United Nations.

The President: In connection with the recommendation of the Security Council, we are here this afternoon to consider two draft resolutions, A/51/L.66, "Appointment of the Secretary-General of the United Nations," and A/51/L.67, "Tribute to Dr. Boutros Boutros-Ghali".

Delegations will also recall that earlier in the afternoon heads of delegations had the opportunity to meet with the candidate recommended by the Security Council prior to taking action on agenda item 16.

In terms of action, the Assembly has before it the two draft resolutions, which were made available on the initiative of the Chairman of the Group of African States and which enjoy the support of the other four regional groups.

The General Assembly will now consider the two draft resolutions. The Assembly will first take a decision on draft resolution A/51/L.66.

May I take it that it is the wish of the General Assembly to adopt draft resolution A/51/L.66 by acclamation?

The draft resolution was adopted by acclamation (resolution 51/200).

The President: The Assembly will now take a decision on draft resolution A/51/L.67.

May I also take it that it is the wish of the General Assembly to adopt draft resolution A/51/L.67 by acclamation?

The draft resolution was adopted by acclamation (resolution 51/201).

The President: I request the Chief of Protocol to escort the Secretary-General-elect, His Excellency Mr. Kofi Annan, to the platform.

The Chief of Protocol escorted the Secretary-General-designate, Mr. Kofi Annan, to the platform.

The President: We have just taken action to appoint the next Secretary-General of the United Nations, Mr. Kofi Annan. We have also placed on record our recognition of the contribution made by Dr. Boutros Boutros-Ghali to the work of the United Nations. This is an auspicious moment.

Dr. Boutros Boutros-Ghali became Secretary-General of the United Nations at a time of unprecedented change and considerable flux in the world. Notwithstanding the challenges, he has served the United Nations with dedication and selfless service and with a resolute sense of purpose. Dr. Boutros Boutros-Ghali will be remembered for his seminal intellectual contributions to our understanding of preventive diplomacy, humanitarian intervention and democratic nation-building and for laying the essential building blocks for the reform and revitalization of the United Nations system. Under his guidance, the United Nations charted a better understanding of the multifaceted implications of our globalizing world through a series of world conferences. His legacy will serve us well in the challenging years ahead.

It is a singular honour for me, the President of the fifty-first session of the General Assembly, to welcome on behalf of all Member States our Secretary-General-designate, Mr. Kofi Annan. Both he and the incumbent are illustrious sons of Africa. In appointing him to this key post, the General Assembly takes into account his long record of accomplishment and his understanding of the needs of the Organization at this critical juncture. He is well known to all of us. We place our trust in his ability to articulate and defend a vision of the United

Nations that meets the expectations of Member States and the peoples of the world.

It is no easy task. The Charter itself specifies relatively little beyond assigning an administrative and political function to the Secretary-General. For marginal elaboration, paragraph 1 of General Assembly resolution 11 (I) of 1946 speaks in stilted and sexist terms of

"a man of eminence and high attainment".

The oath of office provides a little more illumination by referring to the Secretary-General's discharging his functions and regulating his conduct with the interests of the United Nations only in view, and not to seek or accept instructions from any Government or other authority external to the United Nations.

Given these vague terms, it is left to us Member States and to the incoming Secretary-General to make the most of the United Nations penchant for constructive ambiguity and to trace the parameters of the role more precisely. The debate will not finish. At the end of the day, it is only in the performance of his office in all its aspects that he will be judged.

The agony and the ecstasy of the secretary-generalship include what can and cannot be done in battle against empire-builders and against the vacuous who repose comfortably in the United Nations without a care for multilateral issues. Good leadership and consummate management skills are needed to inspire a dedicated staff to work with unquestioned integrity and creativity. Although many are brilliant, some are creatures of habit and process, suffering apoplexy at each prospect of change. The United Nations should not be donor-driven; we do not covet the Bretton-Woods impersonation award. And although finance and finite resources may be facts of life, the Secretary-General should not have to pose as a mendicant, petitioning Governments and legislatures alike, at the expense of all else.

The secretary-generalship has increasingly become a focal point for preventive diplomacy and a bully pulpit for the articulation of global perspectives. Despite possessing little power in traditional terms, the Secretary-General nevertheless retains the power of persuasion, knowing the message will be heard no matter how unpopular or inconvenient. The General Assembly believes in a Secretary-General with an independent perspective in defence of the Charter. With discretion, authority and responsibility, the Secretary-General must speak up and act for the wider international interest, one that transcends that of any particular country or region and is greater than the sum total of power dictates. Every important action the Secretary-General takes has a legal dimension, and while the success of these actions may not be ensured by legalism, any serious departure from the legal mandate will put the United Nations at risk.

As Mr. Pérez de Cuéllar said in 1986,

> "the Secretary-General is the bearer of a sacred trust and the guardian of the principles of the Charter ... [and] ... to understand correctly the role of the Secretary-General is to appreciate the whole mission of the United Nations".

Ultimately it is not important that he be a world leader, so long as he is able to influence the opinions and decisions of world leaders. In bearing this sacred trust, he should defend the marginalized, and not those who create and enforce their marginalization.

Such an office does not undermine the primacy of the intergovernmental process in any way. Let me say that as Member States, we see ourselves as partners and not competitors. Multilateral organizations and multilateralism can and do work when Member States and the Secretariat believe they are on the same team. Mr. Annan is taking office at a time of deep crisis for the United Nations, when its coffers are all but empty. Important States place inordinate and unfair demands on the Organization, while others dwell more on what is wrong rather than on what can be done. Each of us has decisive steps to take to learn from the lessons and the dead-ends of the recent past collectively to define the architecture of the United Nations for the twenty-first century.

Today's appointment of a new Secretary-General is a landmark in the life of the United Nations. The process we have just completed had ingredients that could have made it go away. I believe that wise decisions taken as a result of wise counsel arrested what could have brought impasse and discredit to the United Nations integrity. Many parties, particularly in Africa, took steps to ensure that the office remained with Africa, to the satisfaction of all. Decisions to strengthen the United Nations in future should draw more from democratic well-springs to balance power factors.

The process of succession is about change and about continuity. Although we need to reform the United

Nations and regain confidence in its central authority, we are not forfeiting the past and its achievements. Like a rock climber, the Organization must scale new heights by advancing slowly, sometimes boldly, and, whether deliberately or unconsciously, always keeping three limbs attached to already established territory while probing for a new hold with the fourth. The Member States and the Secretary-General are linked together in advancing and consolidating their hold on the international landscape.

Finally, to paraphrase a Chinese saying, every crisis is an opportunity in disguise. If we can, with wisdom and integrity, take note of the compass of our actions, we may draw benefit in our attempts to steer a course that better serves the needs of humanity. Mr. Secretary-General-designate, we warmly welcome you to this collective endeavour.

I now call upon His Excellency Mr. Daniel Abibi of the Congo, who will speak on behalf of the African States.

Mr. Abibi (Congo) (*interpretation from French*): As I address the Assembly from this rostrum it is night in Africa, but from Algiers to Cape Town, from Praia to Mombasa, Africans of all generations are passionately following the event for which we are gathered today here at United Nations Headquarters in New York. Indeed, since Friday, the great news has travelled across our deserts, our savannahs and our forests, proclaiming that Africa, after an outstanding five-year mandate carried out by one of its eminent sons, has been entrusted, through the choice of another of its sons, with the responsibility of guiding the destiny of the most prestigious international Organization for five more years, thus leading it across the bridge that is to take it to the twenty-first century.

As was the case five years ago, today is a great day for all the sons of Africa, including those whom the vicissitudes of history have scattered across the continents. Today — 17 December — will most certainly leave an indelible mark on the minds of present and future generations of Africans, thanks to two men.

The first is Mr. Boutros Boutros-Ghali, a statesman of international stature whom an esteemed newspaper once described as the perfect example of a late-twentieth-century gentleman. His work at the head of the United Nations Secretariat is a constant source of legitimate pride for his brothers in Africa.

Mr. Secretary-General, great qualities were needed to keep a firm hand on the helm of the enormous ship of the United Nations and to navigate it through the turbulent storms unleashed by the unceasing turmoil of a world in flux. These qualities were needed to guide the ship from one port to another, avoiding the reefs along the way. Your contribution to the consolidation of international peace and security was indeed outstanding, as was your contribution to sustainable human development and to the protection of fundamental human rights. You have achieved inspiring results because of your constant efforts to adapt the Organization to the realities of our times. The high quality of your service in these and many other fields redounds to the honour of your continent. For all this, Africa thanks you.

The adoption by acclamation of the draft resolution appointing another of our brothers, Kofi Annan, to be the next Secretary-General of the United Nations is not only a collective recognition by the States Members of the Organization of Africa's right to hold a second term of office, but also a testimony to the exceptional qualities of a man who has dedicated his entire life to the cause of cooperation and international peace and security. These qualities certainly impressed those who had the difficult task of deciding among the candidates, all of whom were extremely meritorious. And these qualities will help reduce the uncertainty inherent in guiding an Organization such as ours in a world in full flux and beset by increasingly complex challenges.

Africa knows that the United Nations will be in good hands, hands that, throughout these past 30 years, have dealt effectively with the many obstacles in the difficult missions that have been entrusted to Mr. Kofi Annan. The unbounded enthusiasm felt by so many staff members, the many posts of great responsibility within the Organization that he has occupied with such brilliance, the admirable management of sensitive issues such as Kuwait and Bosnia and Herzegovina, and the smooth conduct of delicate peacekeeping operations attest to the competence and effectiveness of the man and justify the great hopes his appointment has inspired.

We are particularly proud at this appointment, which was supported by all. Its symbolic value is clear to everyone. This appointment is, in particular, an incentive for the international community not to despair of Africa despite its current problems, because this continent possesses unsuspected resources, both human and material, that are begging to be used. It also represents a vote of confidence in Africa by the international community, as well as an exhortation to Africans to work

harder and to persevere in trying to find solutions to the problems the continent now faces.

The African Group wishes, through me, solemnly to convey its heartfelt and fraternal congratulations to Mr. Kofi Annan on his well-deserved election, which Africa and the international community are celebrating today. We wish him every success in the difficult task entrusted to him. The Group reiterates here its complete willingness to cooperate as well as the abiding support it will give to the initiatives that the new Secretary-General will surely take in the best interests of us all, and in particular of our continent. It is with confidence and serenity that we will witness our brother Kofi Annan take the reins of the Organization on 1 January 1997.

On behalf of the African Group, I should like also to express, here and now, our profound gratitude to all those whose united efforts enabled the international community to accede to Africa's legitimate claim to a second term of office at the head of the United Nations. I thank in particular the President and all the members of the Security Council for all of their efforts in gradually shaping the historic decision that was taken unanimously on Friday, 13 December 1996. I thank also the President of the General Assembly and the regional Groups of Asia, Latin America and the Caribbean, Eastern Europe and Western Europe for their friendly understanding. And I thank our fellow members in the Non-Aligned Movement and in the Group of 77 for their active solidarity.

In order to meet, as it must, the challenges of today's world, the United Nations needs both human and financial resources. The African Group hopes that the consensus that prevailed in the election of the Secretary-General will also have a beneficial impact on the issue of financial resources, with the spirit thus created giving new momentum to the Organization's activities.

United, guided by the wisdom of its Heads of State — in particular President Biya, President of the Republic of Cameroon and current President of the Organization of African Unity — and actively supported by its friends, Africa has succeeded in obtaining the second term of office to which it legitimately aspired. The lessons drawn from this experience will no doubt serve as points of reference to help the continent confront and resolve the many crises that today are sapping its efforts to bring true prosperity to its people.

The President: I call on the representative of Mongolia, His Excellency Mr. Jargalsaikhany Enkhsaikhan, who will speak on behalf of the Asian States.

Mr. Enkhsaikhan (Mongolia): On behalf of the States members of the Asian Group, it is my great honour and pleasure to extend our heartfelt congratulations to Mr. Kofi Annan of Ghana on his well-deserved appointment to the high post of Secretary-General of the United Nations. The Asian countries truly believe that Mr. Kofi Annan, an outstanding African personality, a seasoned diplomat and a skilful negotiator with long years of experience in the international civil service, will competently guide this world Organization into the twenty-first century and towards the full realization of the underlying principles and purposes enshrined in its Charter.

The Asian countries are confident that the Secretary-General-designate will contribute substantially to the further enhancement of the role and prestige of the world Organization through, *inter alia*, continuing the reform, restructuring and strengthening of the United Nations system so that it can better serve as an indispensable mechanism for the maintenance of international peace and security and for the promotion of economic and social development and growth.

We welcome the Secretary-General designate most warmly and wish him every success in fulfilling his highly responsible mission at this crucial juncture in international relations as a whole, and in the work of the United Nations in particular. The Asian States pledge their firm support to him in the discharge of his formidable and weighty responsibilities.

While welcoming the Secretary-General designate, the Asian countries would like to pay tribute to the outgoing Secretary-General, Mr. Boutros Boutros-Ghali, for his valuable contribution in guiding the work of the United Nations in the pursuit of its noble aims, finding just solutions to disputes, developing international cooperation in various fields, proposing the concepts of preventive diplomacy and post-conflict peace-building, and for his evolutionary vision of development, which have been duly reflected in the Secretary-General's reports on an Agenda for Peace and on an Agenda for Development. They have stimulated constructive discussion on the strengthening of the activities of the United Nations system in various areas. We are grateful for, and appreciative of, Mr. Boutros Boutros-Ghali's

leadership over the past five years and wish him and his family every success, health and happiness.

The President: I call on the representative of Poland, His Excellency Mr. Zbigniew Wlosowicz, who will speak on behalf of the Group of Eastern European States.

Mr. Wlosowicz (Poland): I have the great honour to speak on behalf of the Group of Eastern European States. It gives me great pleasure to congratulate Mr. Kofi Annan on the occasion of his appointment as the new Secretary-General of the United Nations — the one who will lead our Organization into the twenty-first century.

The Eastern European States welcome the decision by acclamation of the Security Council to recommend Mr. Kofi Annan for this high post, as well as his appointment today by acclamation by the General Assembly. Both those decisions reflect Mr. Annan's recognized qualifications: his diplomatic skills, profound knowledge of the contemporary world's challenges and proven dedication to the cause of the United Nations. By appointing Mr. Annan as the Organization's new Secretary-General, the Member States have also reconfirmed the importance of Africa and its role in international relations, including within the United Nations system. The members of the Eastern European Group of States fully share this opinion.

I should like to conclude this part of my statement by conveying to the newly appointed Secretary-General the best wishes of Poland and its fellow countries for every success in discharging his important and, undoubtedly, extremely complicated and difficult mandate and by declaring the willingness of the Eastern European States to cooperate with him in all his endeavours.

On this important occasion I should also like to express our deepest appreciation to the outgoing Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, for what he has accomplished during his tenure. Mr. Boutros Boutros-Ghali's dedication to the purposes and principles enshrined in the Charter of the United Nations can hardly be overestimated. During his term of office he has initiated the reforms and made many proposals on the restructuring and strengthening of the role and functioning of the United Nations system.

Mr. Boutros Boutros-Ghali has contributed immensely to the cause of peace, security and development in its broadest sense. Speaking on behalf of the Group of Eastern European States, I would like once again to thank Mr. Boutros Boutros-Ghali for guiding the Organization's work during this crucial period of the world's modern history.

The President: I call on the representative of Mexico, His Excellency Mr. Manuel Tello, who will speak on behalf of the Group of Latin American and Caribbean States.

Mr. Tello (Mexico) (*interpretation from Spanish*): I have the pleasure of extending to Mr. Kofi Annan the warmest congratulations of the Group of Latin American and Caribbean States for his well-deserved appointment as Secretary-General of the United Nations for the next five years. It is particularly gratifying for the region in whose name I have the honour to speak to see once again a worthy son of Africa occupy the high post of Secretary-General. The recommendation of the Security Council and its confirmation by this General Assembly, both adopted by acclamation, is a well-deserved tribute to his personal and professional qualities, which, for a substantial part of his life, have been dedicated to the service of the United Nations.

Throughout the years during which we have had the privilege of observing his work as an international civil servant, we have witnessed his unshakeable commitment to the aspirations of peace and harmony that give life to our Organization. We have admired Mr. Kofi Annan as a person of character who knows how to blend firmness with conciliation and who consistently endeavours to resolve difficulties and differences through dialogue and negotiation. Those virtues, together with his experience as an administrator, will doubtless guarantee the success of his work at the head of the Secretariat.

On the international stage, we continue to see upheaval, uncertainty and unfulfilled hopes. Humankind is facing problems that originated in past conflicts and others that are arising out of new disputes. In his work at the head of the Department of Peacekeeping Operations, Mr. Annan worked tirelessly to guide the conduct of the United Nations in the search for solutions to disputes that threatened international peace and security. We are certain that, as a national of a developing country, he will display equal vigour in working to reduce the gap that, unfairly, still separates rich and poor.

The activity of the United Nations in Latin America and the Caribbean is broad and diverse. The Organization has played a decisive role in overcoming long-standing and bitter conflicts. It has been present when circumstances or natural phenomena harmed our

countries. The United Nations has always been very responsive to our requests for cooperation in the economic, social, cultural and institutional fields. In short, the Organization, its goals and its purposes and principles provide an essential framework for the international action of Latin American and Caribbean countries and are common points of reference for dialogue and understanding among ourselves and with all the nations of the world.

The countries of Latin America and the Caribbean are confident that, under the leadership of Secretary-General Kofi Annan, the United Nations will consolidate and expand its presence and work in our region. We are convinced that, ultimately, he will lead the United Nations with accomplishment, skill and a steady hand into the twenty-first century.

I cannot conclude without saying to Mr. Boutros Boutros-Ghali that he can feel proud of his work at the head of our Organization. He was called upon to lead the United Nations at a difficult and complex time of deep transformations in regional and global realities. In those times of turmoil, the Organization had the good fortune to have a statesman of vision and experience. The Secretary-General's dedication and perseverance allowed the United Nations to face with dignity the major challenges of our day. The Agenda for Peace and the Agenda for Development are concepts that will go down in history beside his name.

The countries of Latin America and the Caribbean have been especially sensitive to his particular interest in and commitment to resolving problems of our region. Mr. Boutros Boutros-Ghali should know that he will always have the heartfelt gratitude of his Latin American and Caribbean friends, who sincerely appreciate and recognize his efforts in and dedication to the best and noblest causes of mankind. He leaves his post with the greatest reward to which a public servant can aspire: the satisfaction of a job well done.

The President: I now call on the representative of Canada, His Excellency Mr. Robert Fowler, who will speak on behalf of the Western European and other States.

Mr. Fowler (Canada) *(interpretation from French):* I have the honour to speak today in my capacity as Chairman for the month of December of the Group of Western European and other States on the occasion of the appointment of the new Secretary-General. It is also a great privilege to have this opportunity to thank Mr. Boutros Boutros-Ghali for his outstanding contribution to the Organization over the past five years, as well as to congratulate Mr. Kofi Annan on his appointment to his vitally important post.

Since 1992 Mr. Boutros-Ghali has served the United Nations with extraordinary vision and energy. He took the helm of the Organization at a turbulent time in history and at a turning point in the Organization's evolution. Under difficult circumstances, he sought to find solutions to deep-rooted political, economic and social problems while identifying and responding creatively to new global challenges. He took important steps to restructure and strengthen the United Nations system in order to give us the Organization we need to respond to these new challenges.

His devotion to the purposes of the United Nations Charter throughout this period has been unwavering. He has pointed our Organization in the right direction. This will be his legacy, one for which we offer our deep and unreserved appreciation.

(spoke in English)

We warmly welcome the appointment of Kofi Annan as Secretary-General. The chief executive of this Organization has two main tasks: to work with Member States to fulfil the vision of the Charter and to manage the Organization. At this point in the Organization's history, it has never been more important that the Secretary-General possess the necessary attributes to carry out these tasks. The record of the Secretary-General elect in working closely and productively with Member States and his distinguished career in the United Nations system, throughout which he has won the respect, admiration and abiding loyalty of all who have worked with him, give us every confidence in his capacity to respond fully to these diverse demands.

The next five years will be critical for the Organization. The highest priority will be to redefine and articulate clearly the role the United Nations system ought to play in the twenty-first century. We, the Member States, owe our new Secretary-General all the support we can muster to move the process of renewal creatively forward and to establish with him collective goals, priorities and objectives which meet all of our needs.

As head of the Department of Peacekeeping Operations, Mr. Annan has demonstrated his determination and ability to work effectively with Member States and, during a period of enormous change

and often conflicting demands, to find common ground and consensus. At this time of uncertainty for the Organization, we will rely heavily on these skills to support and guide us in restoring our common sense of purpose and commitment to the ideals which guided the framers of the United Nations Charter half a century ago.

It is equally vital that the Organization have the appropriate structure and the necessary resources to carry out its responsibilities. Mr. Annan has worked within the United Nations system for over 30 years. He understands its strengths and he knows its limitations. Through his steadfast leadership he has already won the support of the dedicated people who work for the Organization throughout the world. He is thus uniquely qualified to implement the changes so clearly required to adapt the structure of the Organization to fit the needs of our rapidly changing world.

Mr. Annan's appointment as Secretary-General is also an occasion to reaffirm and strengthen the links between Member States and our Organization. This is an area that needs work if we are to ensure that the United Nations has the continuing moral authority, as well as the financial capacity and the political legitimacy, to fulfil the expectations of the Member States it represents.

Kofi Annan has dedicated his life to pursuing the noble goals of the United Nations and to serving the common interests of humanity. He is now being tasked with the job of retooling the United Nations to meet the challenges of the next century. We offer him our congratulations and our full cooperation, and we look forward to working closely with him as he embarks on this important mission.

The President: I now call on the representative of the United States of America, Her Excellency Mrs. Madeleine Korbel Albright, speaking on behalf of the host country.

Mrs. Albright (United States of America): As representative of the United Nations host country, we welcome heartily the election of the seventh Secretary-General.

Mr. Kofi Annan, a distinguished son of Africa, will lead the United Nations across the threshold of a new century. It will be his duty to manage the United Nations so that its resources are put to the best possible use in service to the people we have each been sent here to represent.

Mr. Kofi Annan assumes office at a time of uncertainty about the course this institution will take. There are those who believe the United Nations is too encumbered by habits of the past and too divided by its very nature to achieve a high standard of efficiency and performance. The United States of America is among those having a different, and more optimistic view.

We live in an era in which international cooperation is both more possible and more necessary than ever before. We see institutions of all kinds learning to adjust to the demands imposed by technological, demographic and political change. We have seen the United Nations profit from lessons learned in peacekeeping and begin a process of reform. And we have today elected an individual of high distinction and humanity to serve as Secretary-General for the next five years.

During his career, Kofi Annan has become known to all of us. He has done the difficult jobs well, with fairness, sound judgement and humour and has not shrunk from accountability. He brings to his new office a wealth of experience, a profound knowledge of the strengths and weaknesses of the United Nations and deep dedication to its success. The United States offers its congratulations, and we promise to do our fair share to help.

The first Secretary-General, Trygve Lie, called his job the most impossible on earth. I am sure that there are many in this room who would share that view. Mr. Boutros-Ghali has served the international community long and well. He has presided over the United Nations during a time of immense turbulence and transition and will be remembered for his intelligence, dignity and diplomatic skill. I join my colleagues today in expressing gratitude and personal best wishes for the future.

This is a historic day for the United Nations. As it begins its second half century, we must, each of us, think anew about this institution, about our responsibilities and about its possibilities. We must all rededicate ourselves to the principles enshrined in the United Nations Charter.

And we must join our efforts with those of our new Secretary-General to make this Organization increasingly effective as a force for peace, a voice for human rights, an instrument of law and, in the words of the Charter, a means for promoting social progress and better standards of life in larger freedom.

The President: I invite the President of the Security Council, former Presidents of the General Assembly, the

former Secretary-General of the United Nations, the President of the Economic and Social Council, the President of the Trusteeship Council, the Vice-Presidents of the General Assembly and the Chairpersons of the Main Committees to come to the platform.

The President of the Security Council, former Presidents of the General Assembly, the former Secretary-General of the United Nations, the President of the Economic and Social Council, the President of the Trusteeship Council, the Vice-Presidents of the General Assembly and the Chairpersons of the Main Committees took places on the platform.

The President: Your Excellency, I have the honour to inform you officially that the General Assembly has appointed you Secretary-General of the United Nations for a term of office beginning on 1 January 1997 and ending on 31 December 2001.

I ask Mr. Kofi Annan to repeat after me the oath of Office.

Mr. Annan: I, Kofi Annan, solemnly swear to exercise in all loyalty, discretion and conscience the functions entrusted to me as Secretary-General of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization.

The Chief of Protocol escorted the President of the Security Council, former Presidents of the General Assembly, the former Secretary-General of the United Nations, the President of the Economic and Social Council, the President of the Trusteeship Council, the Vice-Presidents of the General Assembly and the Chairpersons of the main Committees from the platform.

The President: I now invite His Excellency Mr. Kofi Annan to make a statement.

Mr. Annan: Mr. President, respected Secretary-General — or rather, respected Secretaries-General, as I see my old boss, Secretary-General Pérez de Cuéllar is here today — welcome home, Sir — distinguished Ambassadors:

Thank you all for your kind words. I am deeply moved by the good wishes of so accomplished a group of speakers.

Mr. President, I have long admired the imagination and determination you have brought to the difficult challenges of multilateral diplomacy, and I should like to express my appreciation for the leadership you have demonstrated in taking the General Assembly through its demanding schedule to an efficient and productive conclusion.

The Assembly has done me a great honour and at the same time bestowed on me a great responsibility in electing me the seventh Secretary-General of the United Nations. As a son of Africa and a lifetime international civil servant, I pledge that I will do everything within my power to be worthy of members' trust.

(*spoke in French*)

I wish to pay tribute here to the vision, far-sightedness and energy of Mr. Boutros Boutros-Ghali, an exceptional statesman who was called upon to lead the United Nations during the turbulent period of transition from the cold war to the new era opening up before us. We are all aware of the importance of his contribution, the great value of which will go down in history.

In a period of great change the Organization is at a crossroads. For 45 years the rivalry between the super-Powers pervaded its very existence and to a large extent determined its mission. The cold war having come to an end, Member States, while redefining relations between themselves, must now agree on what the United Nations should become in order for them to continue to lend their support.

(*spoke in English*)

The time to choose is now, for this Organization, along with the rest of the world, must change. Let every Member State welcome this change, not resist it. Let us make change our ally, not our enemy; seize it as an opportunity, not a threat; recognize it as a necessity, not an imposition. All of us in this Hall together, with the participation of all nations, large and small, East and West, North and South, can make this Organization leaner, more efficient and more effective, more responsive to the wishes and needs of its Members and more realistic in its goals and commitments. Then and only then will we be serving both this Organization's high purpose and the planet's best interests.

There is no lack of blueprints for a new, post-cold-war United Nations. There is no lack of ideas

or debate. What we need is consensus and commitment. Our task now is to find common ground to shape together the changes that will move this Organization forward.

All the problems, particularly the old ones — peace and security among nations and social justice for their peoples — still confront us. But the old approaches to these problems must be broadened. A new understanding of peace and security must emerge. The world is beginning to recognize the many roots of conflict, the economic base of stability and the grim truth that intolerance, injustice and oppression and their consequences respect no national frontiers. Similarly, we now know more than ever that sustainable economic development is not merely a matter of projects and statistics. It is above all a matter of people, real people, with basic needs: food, clothing, shelter and medical care. Let us ensure that the resources and facilities of the United Nations system are effectively channelled towards those who need them most, those whom globalization has left behind. Let us ensure that the voice of the United Nations in economic matters is heard by those Member States with the greatest capacity to give. These and other challenges are not the Secretary-General's alone, not the Security Council's alone, not the Economic and Social Council's alone. The role of the General Assembly will become still more important as we seek to perfect the triangle of development, freedom and peace.

In this common effort, I shall neither overstep nor minimize my role as head of one of the six principal organs of this Organization. I intend to present my independent views to Member States for their consideration. I intend to offer my services and good offices as mediator and intermediary wherever and whenever I feel it can be helpful. I intend to lead an international civil service that will be honest, efficient, independent and proud of its honourable contribution to the improvement of life on this planet. Finally, I intend to stress not only our legal obligations, not only our fiscal limitations, not only our political and diplomatic considerations, but above all the moral dimension of our work in this Organization.

In that spirit, let us embark on a time of healing: a healing of fractures and frictions between Member States and this Organization, which cannot function without their political and material support, and a healing of wounded morale and ideals within the Secretariat, whose dedicated staff deserve our thanks and encouragement.

To the nations and peoples of the world whose representatives are gathered here today, I say simply this: the United Nations is your instrument for peace and justice. Use it; respect it; defend it. It can be no wiser, no more competent and no more efficient than those Member States that now comprise and guide it. But those of us who serve you here pledge our every effort and all our energy to the causes set forth in the Charter. No nation needs to face or fight alone the threats which this Organization was established to defuse. But we cannot succeed without your political, moral, financial and material support and participation. Applaud us when we prevail; correct us when we fail; but, above all, do not let this indispensable, irreplaceable institution wither, languish or perish as a result of Member States' indifference, inattention or financial starvation.

I accept the high post entrusted to me, humbled by the formidable challenges that lie ahead, but filled with confidence in the nobility of our goals, in the determination of our common spirit and in the success of our common effort. Alone, I can do nothing. Together, we can irreversibly advance the frontiers of peace, dignity and justice for all mankind.

The President: This concludes our consideration of agenda item 16.

Agenda item 45 (*continued*)

Implementation of the outcome of the World Summit for Social Development

Report of the Secretary-General (A/51/348)

Draft resolution (A/51/L.55)

The President: I should like to point out that a correction should be made to operative paragraph 48 of draft resolution A/51/L.55. The text of operative paragraph 48, as submitted by the sponsors, should read as follows:

> "*Requests* the Secretary-General to report on the implementation of the outcome of the World Summit for Social Development to its fifty-second session."

I trust that the General Assembly will have no objection to now considering draft resolution A/51/L.55 on the understanding that the draft resolution with the corrected text for operative paragraph 48 will be reissued.

I call on the representative of Chile to introduce draft resolution A/51/L.55.

Mr. Somavía (Chile) (*interpretation from Spanish*): I have the great pleasure of introducing to the Assembly, on behalf of 60 sponsors, the draft resolution on the implementation of the outcome of the World Summit for Social Development, contained in document A/51/L.55. The following sponsor countries are to be added to the list that appears in the document: Antigua and Barbuda, Belize, Guinea-Bissau, Honduras, Jamaica, the Marshall Islands, Mongolia, Namibia, Nicaragua, Saint Lucia, Slovenia, Sudan, Suriname, Swaziland, Tunisia, Turkey and Ukraine.

This draft resolution is the result of broad negotiations carried out over recent weeks with a positive spirit of goodwill on the part of all the participants, which made it possible to arrive at this consensus text reflecting the agreement of Member States to underline and reaffirm as a national and international goal the full implementation of the Copenhagen Declaration and the Programme of Action of the World Summit for Social Development.

In its first part the draft resolution recalls the principles and fundamental objectives of the Social Summit: to promote social progress, give the utmost priority to the needs of people and summon the political will to make ever greater investments in human beings. It also recognizes the following essential bases for social development: democracy, respect for human rights and fundamental freedoms, responsible governance and the participation of civil society, as well as peace, freedom, stability and national and international security.

Under the heading "National action and international cooperation for social development", the draft resolution highlights the primary responsibility of Governments for the implementation of the Programme of Action of the Summit. While recognizing that cooperation and international assistance are fundamental for its full implementation, it makes it clear that it is at the national level where the first foundations for the implementation of the commitments of the Summit must be laid, through the resolute will of our Governments to assign priority to social development. It also reaffirms the need for all Governments and the entire United Nations system to strengthen regional and subregional cooperation for social development and the importance of promoting gender perspective in approaches to social development.

A special section is devoted to mobilization of financial resources for social development, at both the national and international levels. The draft resolution recognizes the need for additional financial resources for the effective implementation of the commitments of the Summit in the developing countries, especially those of Africa and the least developed countries, and the need to provide appropriate technical cooperation and other forms of assistance to countries with transitional economies. It also highlights the need for all countries to elaborate economic policies that promote domestic savings and attract external resources for productive investment, giving priority to basic social services.

It also highlights, among other things, the recent initiatives of the Bretton Woods institutions for debt relief for developing countries, including the Heavily Indebted Poor Countries Debt Initiative, and the importance of stimulating national development initiatives for social development, including credit for people who live in poverty, especially women. It notes with interest the upcoming summit on microcredit. It recognizes the efforts of the World Bank and the International Monetary Fund to incorporate social development into their policies and programmes in a variety of ways and more intensively than in the past, as well as the urgent need for the international community to make efforts to reach as soon as possible the target of 0.7 per cent of gross national product of developed countries for official development assistance. It also endorses Economic and Social Council resolution 1996/48, on new and innovative ideas to generate new funds. It reaffirms the importance of interested developed and developing country partners agreeing to allocate 20 per cent of official assistance and of national budgets, respectively, for basic social programmes, while noting with appreciation the outcome of the Oslo meeting in April of this year.

The draft resolution contains a special heading, "Involvement of civil society and other actors", in recognition of the role of non-governmental organizations in the implementation of and follow-up to the Declaration and Programme of Action and their participation in the planning, elaboration, implementation and evaluation of policies at the national level, in the work of the Commission on Social Development and in the implementation of the entire process relating to the Summit.

The role of the United Nations system is broadly considered. The draft resolution highlights the fundamental importance of the reform and revitalization of the Commission for Social Development in the follow-up to and implementation of the Summit. I wish to reiterate most especially — and this is part of the story of the draft resolution — that this draft resolution highlights particularly the primary role of the Commission on Social

Development within the United Nations system at large in the follow-up to and implementation of the commitments of the Social Summit, including in the preparations of the special session of the General Assembly scheduled for the year 2000. The draft resolution is intended to reinforce before the eyes of the world the work of the Commission on Social Development. It also reaffirms and welcomes the actions of the Economic and Social Council to provide general guidance and coordinate the activities of the United Nations in connection with the implementation of the outcome of the Summit in general and especially in activities to eradicate poverty.

The draft resolution makes special reference to activities to promote the objectives of the United Nations Development Programme, the regional commissions and the International Labour Organization. It also highlights the role of the inter-agency working groups to follow up the international conferences, and the work of the Secretary-General and the Secretariat to ensure the cooperation of all United Nations bodies in the follow-up to the Summit.

The final section of the draft resolution is prominently and significantly devoted to the special session of the General Assembly in the year 2000 to carry out a comprehensive review and appraisal of the implementation of the outcome of the Summit. It recalls the commitment made by the Heads of State or Government in Copenhagen, as expressed in resolution 50/161, to hold a special session in the year 2000 on the implementation of the outcome of the Summit and to consider further measures and initiatives.

The draft resolution decides that the preparatory process of that special session will be organized by combining the functions of a preparatory committee of the whole of the General Assembly with the work of the Commission for Social Development, in accordance with its multi-year programme of work. To this end, it decides that a preparatory committee of the General Assembly is to be established next year, that its organizational session will be held in 1998 and that its substantive work will begin in 1999 on the basis of the inputs of the Commission for Social Development and of the Economic and Social Council, also taking into account the contributions of other relevant organs and specialized agencies of the United Nations system.

In particular, as I have already stated, the work of the Commission for Social Development in the years 1999 and 2000 will constitute very special preparations for the special session and for the work of the preparatory committee, in accordance with its programme of work.

As I said when I spoke on this item on 16 October 1996, the special session of the General Assembly set for the year 2000 will be a meeting of historic importance and will provide a good opportunity for the high-level participation of Governments. Also, as stated in the Copenhagen Declaration on Social Development and as the draft resolution recalls, the special session of the General Assembly will also provide an opportunity to take measures for the future — not only to evaluate the past, but also to take initiatives in the social sphere to keep it at the centre of United Nations activity. Hence the desire to start preparations on time, so that we are all informed and can participate in the draft resolution's decision to give the special session of the General Assembly in the year 2000 a very important political profile.

From this standpoint, the action the Assembly is to take today to prepare appropriately for the special session shows the renewed political commitment of the United Nations to the spirit of Copenhagen by placing people-oriented social development at the heart of the Organization's activities.

Lastly, the draft resolution reaffirms that the follow-up to the Summit will take place on the basis of an integrated approach to social development and within the framework of coordinated follow-up to the major international conferences and that this item will be included in the provisional agenda of the next session of the General Assembly.

Mr. Biggar (Ireland): I have the honour to speak on behalf of the European Union on draft resolution A/51/L.55, on the implementation of the outcome of the World Summit for Social Development. The following associated countries — Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia — align themselves with this statement. Iceland and Liechtenstein also align themselves with this statement.

The European Union participated actively in the very comprehensive consultations on the draft resolution under consideration and will join in its adoption by consensus. We wish to thank our distinguished colleague from Pakistan, Mr. Masood Khan, for his wise and skilful leadership in bringing the negotiations to a consensus conclusion.

Mr. Turnquest (Bahamas), Vice-President, took the Chair.

Operative paragraph 46 of the draft resolution provides for the organization of the preparatory process for the special session of the General Assembly which will be held in the year 2000 for an overall review and appraisal of the implementation of the outcome of the Summit. The European Union attaches considerable importance to the proper and thorough preparation of the special session. We have made clear our view that this preparation should take place in the context of the integrated approach to social development decided upon by the General Assembly last year.

We believe that the Commission for Social Development, as the functional commission of the Economic and Social Council with the primary responsibility for the follow-up to and review of the implementation of the Summit, is the most appropriate forum for undertaking preparations for the special session. In this regard, the enlargement of the Commission's membership from 32 to 46, the adoption of a thematic and focused multi-year work programme to the year 2000 and the decision to annualize its meetings will enable it to fulfil this central role.

The preparatory committee should build on the work done in the Commission for Social Development and the Economic and Social Council. The European Union would expect that in 1998 a brief organizational session of the preparatory committee will be held. The preparatory committee proper should begin its substantive work in 1999 with a session of not more than one week's duration, to be held after that year's Commission for Social Development meetings and the substantive session of the Economic and Social Council. This will allow it to draw on the inputs from these meetings. The main functions of the preparatory committee will be to assess the status of the preparations for the special session and to provide overall guidance for the process. We look forward to the participation of high-level representatives from the field of social development in the deliberations of both the Commission for Social Development and of the preparatory committee.

We also support the fullest participation of non-governmental organizations in the preparatory process for the special session, and appropriate modalities should be put in place for this purpose.

Mr. Hynes (Canada) (*interpretation from French*): The World Summit for Social Development represented a historic step in the efforts of the international community to come to grips with the issue of social development in today's world. Of course, the Copenhagen Summit produced a wide-ranging Declaration on Social Development and Programme of Action. Some provisions have various implications and degrees of relevance for our countries, whose problems and means vary. Like others, Canada had an opportunity to state its particular views and concerns in this regard when the Copenhagen documents were adopted in 1995.

The crucial point, however, is that the Summit successfully forged an international consensus on the nature of the basic challenges of social development: combating poverty, unemployment and marginalization. It also found agreement on the need for determined national and international efforts to address those challenges. My delegation's co-sponsorship of the draft resolution before us reflects Canada's serious commitment to effective United Nations follow-up to that consensus.

(spoke in English)

Inevitably, effective implementation of the outcome of the World Summit must be an ongoing process. With this in mind, the United Nations has assigned an important, continuing role to the Economic and Social Council and its functional commissions, primarily the Commission for Social Development. It is the responsibility of these bodies, led by the Commission for Social Development and with active contributions from United Nations-system agencies, from experts and from representatives of civil society, to ensure that the future work of the United Nations in this area is pragmatic and result-oriented.

Such leadership and sustained efforts by the Commission for Social Development will be equally crucial in shaping and establishing the basis for the work of the preparatory committee of the whole mandated by the draft resolution. This offers the best guarantee that the review process in the year 2000 will produce conclusions of practical value for future policy and programming in this area. Canada pledges its cooperation to all Members of the United Nations in this process.

In closing, I want to take this opportunity to congratulate Ambassador Somavía and the delegation of Chile for the effective and dedicated manner in which they have led the Assembly in considering this question. We look forward to continued collaboration with them in pursuing implementation of the outcomes of the World Summit in all relevant forums.

Mrs. Castro de Barish (Costa Rica)(*interpretation from Spanish*): On behalf of the Group of 77 and China, it is my honour to express our satisfaction at the achievement of a consensus text for the draft resolution on the item "Implementation of the outcome of the World Summit for Social Development" document A/51/L.55.

We consider this to be a well balanced text that takes into account all the elements necessary for a full and effective implementation of the outcome of the World Summit for Social Development. The Group of 77 and China, which worked together with the other participants in the working group, believes that a good preparatory process for the special session in the year 2000 should provide for a sufficient amount of time and all necessary input both from the Secretariat and from Governments to enable the preparatory Committee to fulfil its important mandate in a satisfactory manner.

The Acting President: The Assembly will now proceed to take a decision on draft resolution A/51/L.55.

Before taking action on the draft resolution, I should like to announce that since its introduction the following countries have become sponsors of draft resolution A/51/L.55: Guatemala and Uruguay.

Mrs. Limjuco (Philippines): The Philippine delegation would like to be listed as a sponsor of the draft resolution.

Mr. Sacirbey (Bosnia and Herzegovina): We would like to announce that Bosnia and Herzegovina too would like to join the sponsors of the draft resolution.

The Acting President: The Secretariat will take note of the requests.

May I take it that the Assembly decides to adopt draft resolution A/51/L.55?

The draft resolution was adopted (resolution 51/202).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 45?

It was so decided.

Agenda item 55

Launching of global negotiations on international economic cooperation for development

The Acting President: In connection with this agenda item, representatives will recall that on 20 September 1996 the Assembly decided to include this item in the agenda of the fifty-first session.

May I take it that it is the Assembly's wish to defer consideration of this item and to include it in the provisional agenda of the fifty-second session?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 55?

It was so decided.

Agenda item 56 (continued)

The situation in Bosnia and Herzegovina

Draft resolution (A/51/L.62/Rev.1)

The Acting President: The Assembly will now proceed to consider draft resolution A/51/L.62/Rev.1.

Before calling upon representatives wishing to make statements in explanation of vote before the voting, may I remind delegations that explanations of vote are limited 10 minutes and should be made by delegations from their seats.

Mr. Dolgov (Russian Federation)(*interpretation from Russian*): In determining its position on draft resolution A/51/L.62/Rev.1 under agenda item 56, "The situation in Bosnia and Herzegovina", the Russian Federation based itself primarily on the extent to which the language used reflects the present crucial stage in the settlement of the Bosnian situation. The process of implementing the Peace Agreement for Bosnia and Herzegovina is now entering a decisive phase. The important thing is to reinforce the progress already made and to set future priorities for further implementation.

Guided by those considerations, the Security Council last week unanimously adopted to resolution 1088 (1996), which gives fresh impetus to a further stage in the international community's implementation of the peace process. Unfortunately, we note that, unlike the clear formulations to be found in Security Council resolution 1088 (1996), the draft resolution now before the Assembly contains language that is imprecise and unclear.

Some of the provisions it contains are too detailed, for example the language used with regard to the International Tribunal, while other aspects of the situation are not even mentioned. There are some provisions of which the point is unclear to us, as, for example, the welcoming of the foundation on 30 October 1996 of the Coalition for Return. The language relating to the return of refugees refers only to their voluntary return to their homes of origin, but not to resettlement to places of their own choosing.

On the whole, we believe that, given that the Security Council is actively seized of this matter, there is no need for the General Assembly to adopt a draft resolution on this item; consideration of the item could easily have been deferred to the fifty-second session. That is why, from the very outset, we did not support General Assembly action on this draft resolution.

At the same time, we cannot fail to note that ultimately the sponsors of the draft made substantial changes to the previous language which was one-sided and unacceptable. The Russian delegation would therefore be prepared to abstain in the vote on this draft resolution.

The Acting President: We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/51/L.62/Rev.1.

I should like to announce that since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/51/L.62/Rev.1: Guyana, Liechtenstein and the Netherlands.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Belarus, Russian Federation.

The draft resolution was adopted by 149 votes to 0, with 2 abstentions (resolution 51/203).

[Subsequently, the delegations of Azerbaijan and Cape Verde informed the Secretariat that they had intended to vote in favour.]

The Acting President: We have thus concluded this stage of our consideration of agenda item 56.

Agenda item 163

Observer status for the International Tribunal for the Law of the Sea in the General Assembly

Draft resolution A/51/L.56

The Acting President: I call on the representative of Germany to introduce draft resolution A/51/L.56.

Mr. Henze (Germany): I have the honour to introduce today a draft resolution entitled "Observer Status for the International Tribunal for the Law of the Sea in the General Assembly", as contained in document A/51/L.56. In addition to the sponsors listed in that document, the draft resolution is sponsored also by the following countries: Algeria, Comoros, Kuwait, Malaysia, Monaco, Myanmar, Nigeria, Poland, Suriname, Tunisia, Uruguay, Viet Nam, Zambia and Zimbabwe.

The draft resolution responds to a decision taken at the fifth session of the meeting of States parties to the United Nations Convention on the Law of the Sea to seek observer status for the Tribunal and to a related decision taken by the Tribunal last October.

As members are aware, the International Tribunal for the Law of the Sea is an institution established for the settlement of disputes by peaceful means, consistent with Article 2, paragraph 3, of the Charter of the United Nations and in accordance with part XV and annex VI of the United Nations Convention on the Law of the Sea. Its activities are closely related to those of the United Nations in the field of the law of the sea and ocean affairs, for which the Secretariat of the United Nations serves as the secretariat to the States parties to the Convention.

The Tribunal, as the central institution created under the Convention for the peaceful settlement of disputes, needs to be aware of all developments relating to the oceans and to the general principles for the peaceful settlement of disputes reflected in the work of the General Assembly. At the same time, the work of the Tribunal will contribute to the development of the law of the sea and to the general principles of the peaceful settlement of disputes; the General Assembly may wish to take such developments into account in its own work. Observer status for the Tribunal in the Assembly will greatly enhance this extremely useful flow of information, as it does for the International Court of Arbitration. The International Court of Justice of Justice at The Hague, on the other hand, is a United Nations organ and thus benefits automatically from the advantages which the Tribunal for the Law of the Sea should obtain through its observer status.

I am encouraged by the broad support that the Tribunal's request for observer status in the General Assembly has received from delegations. Observer status is essential for the effective work of the Tribunal, the central institution created under the Convention for the peaceful settlement of disputes. I therefore request the Assembly to give this draft resolution favourable consideration.

Mr. Sylvester (Belize): Belize takes great pride in being numbered among the more than 60 delegations supporting the request being considered: to grant observer status in the General Assembly to the International Tribunal for the Law of the Sea.

The Tribunal's decision to seek observer status is consistent with the decision taken at the fifth meeting of the States Parties to the United Nations Convention on the Law of the Sea, held in New York last summer. The Tribunal has been invested with a legal personality. It is an institution established for the settlement of disputes by peaceful means in accordance with the provisions of the Charter of the United Nations and part XV of the United Nations Convention on the Law of the Sea. It has competence over matters governed by the Convention which relate to the maritime areas that encompass some 70 per cent of our planet.

The Tribunal's jurisdiction covers such subjects as delimitation, conservation of the marine environment, mining of the seabed and ocean floor beyond the limits of national jurisdiction, and fisheries. The activities of this new institution may therefore be seen as complementing efforts of the United Nations in the area of the law of the sea and ocean affairs. Mutual benefit can be derived from its access to the General Assembly's deliberations on such issues. The United Nations is undoubtedly a marketplace of ideas, resources and trends. Since the Tribunal should adjudicate many of the disputes relating to the Earth's seas and oceans, it needs exposure to this forum.

As a judicial organ, the Tribunal performs important functions in relation to the settlement of disputes and the preservation of peace and related concerns. It therefore needs easy access to information, documentation and discussion on issues being considered in such bodies as the Economic and Social Council, the Commission for Sustainable Development, the United Nations Environment Programme, and related committees and working groups. Naturally, the work of the Sixth Committee and various other legal bodies are of interest to the Tribunal.

As an entity with a full-scale administrative structure, the Tribunal will undoubtedly seek to interface with the administrative machinery of the United Nations. It will therefore wish to observe closely the workings of the Fifth Committee and related bodies.

The interrelated nature of the work of the Tribunal and that of the United Nations requires the establishment

of a formal link. During this crucial start-up period, the full cooperation and support of the United Nations for the International Tribunal for the Law of the Sea is vital. We therefore request that the draft resolution before us be adopted by consensus.

Mr. Wilmot (Ghana): The delegation of Ghana is pleased to be a sponsor of draft resolution A/51/L.56, which invites the Tribunal for the Law of the Sea to participate as an observer in the sessions and the work of the General Assembly.

The International Tribunal for the Law of the Sea is a key component of the new regime for the oceans established by the United Nations Convention on the Law of the Sea. As a forum for judicial settlement it will be a vital organ for the settlement of disputes by peaceful means in accordance with the relevant provisions of the United Nations Charter as well as part XV of the Convention on the Law of the Sea.

The Tribunal is specifically mandated to deal, *inter alia*, with many scientific and technology-related issues, including pollution, the environment, fisheries, deep-seabed mining, and delimitation. The international community's expectations of the Tribunal, as it readies itself to discharge its functions, make it necessary and urgent that the Tribunal be granted observer status in the General Assembly. It is our opinion that such status will expose the Tribunal to the resources, ideas and trends of the United Nations, and thereby enhance the Tribunal's effectiveness at all times.

Furthermore, the activities of the International Tribunal for the Law of the Sea are complementary to those of the United Nations in several spheres, particularly as the Secretary-General functions also as the focal point for the Convention and in the process plays the role of an agency of cooperation, collation and coordination. To enhance the continuous growth and consolidation of the interrelated activities which these two bodies undertake, it is necessary that the Tribunal be accorded observer status in the General Assembly. This would also be consistent with the previous granting of similar status to the Permanent Court of Arbitration and to the International Seabed Authority.

For all these reasons, Ghana supports the draft resolution which would grant the International Tribunal for the Law of the Sea observer status in the General Assembly. We urge that the draft resolution be adopted by consensus.

Mr. Ferrarin (Italy): Italy wishes to express its full support for the draft resolution contained in document A/51/L.56, on observer status in the General Assembly to the International Tribunal for the Law of the Sea. My country is a sponsor of this draft resolution.

The establishment of the International Tribunal for the Law of the Sea, in accordance with the 1982 United Nations Convention on the Law of the Sea, represents an event of the utmost importance in ensuring the uniform interpretation of the rules of international law in this area, and, more generally, for the peaceful settlement of disputes between States. In this regard, the Tribunal's participation in the General Assembly as an observer is an essential tool for the Tribunal's effective performance of the functions conferred upon it.

Following the inauguration of the Tribunal last October, let me, on behalf of Italy, also convey to all the members and staff of the Tribunal best wishes for good and productive work. All members of the Tribunal have outstanding professional and personal qualifications for their jobs, and we are particularly proud of having an Italian scholar, Professor Tullio Treves, as a judge, and to see one of the Permanent Representatives to the United Nations, Ambassador Edward Laing of Belize, sitting also as a member of the Tribunal. We are sure that, thanks to the contributions of so many excellent personalities, the Tribunal will meet all our expectations.

The Acting President: We have heard the last speaker in the debate on this item. We shall now proceed to consider draft resolution A/51/L.56.

I shall now call on the representative of Turkey for an explanation of vote before action is taken on the draft resolution. May I remind her that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Baykal (Turkey): Turkey has no objection to the draft resolution before us, entitled "Observer status for the International Tribunal for the Law of the Sea in the General Assembly". However, as the Tribunal is an institution established in accordance with the United Nations Convention on the Law of the Sea, Turkey would like, for the record, to reiterate its position regarding the Convention.

Turkey supports the purpose of the Convention, which is to establish a regime of the seas based on the principle of equity that can be acceptable to all States.

However, the Convention does not make adequate provision for special geographical situations and, as a consequence, it is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the general content and most of the provisions of the Convention, we are unable to become a party to it owing to these serious shortcomings. Thus, our acceptance of draft resolution A/51/L.56 does not in any way change our position with regard to the Convention.

The Acting President: We have heard the only speaker in explanation of vote before the voting. The Assembly will now take a decision on draft resolution A/51/L.56.

I should like to inform the Assembly that, since its introduction, Benin has become a sponsor of draft resolution A/51/L.56.

May I take it that the Assembly decides to adopt draft resolution A/51/L.56?

Draft resolution A/51/L.56 was adopted (resolution 51/204).

The Acting President: In accordance with the resolution just adopted, I now call on Mr. Gritakumar Chitty, Registrar of the International Tribunal for the Law of the Sea.

Mr. Chitty (International Tribunal for the Law of the Sea): On behalf of the International Tribunal for the Law of the Sea, I acknowledge with appreciation the decision of the General Assembly to grant observer status to the Tribunal. I wish to express the gratitude of the President of the Tribunal, Mr. Thomas Mensah, and the other Judges of the Tribunal, and my own gratitude as Registrar, for the initiative taken by Germany, and for the support of other States in having the item entitled "Observer status for the International Tribunal for the Law of the Sea in the General Assembly", included in the agenda of the fifty-first session. I also wish to thank the representatives of the 59 States that originally sponsored the draft resolution contained in document A/51/L.56, which has just been adopted by the Assembly, and those that subsequently joined in sponsoring it. The resolution invites the Tribunal to participate in the sessions and the work of the General Assembly in the capacity of observer.

One of the primary purposes of the United Nations under the Charter is to maintain international peace and security. The legal regime established by the United Nations Convention on the Law of the Sea, under which the Tribunal was established, builds upon the foundations laid down in the United Nations Charter. The Tribunal will have an important role in the settlement of disputes by peaceful means consistent with Article 2, paragraph 3, of the Charter of the United Nations, and in accordance with Part XV of the Convention. It serves to encourage States parties, in conjunction with their obligations under Article 2, paragraph 2, of the Charter, to fulfil in good faith the obligations assumed under the Convention and under other international agreements.

The jurisdiction of the Tribunal, as set out in article 21 of its Statute, contained in Annex VI to the Convention, comprises all disputes and all applications submitted to it in accordance with the Convention, and all matters specifically provided for in any other agreement that confers jurisdiction on the Tribunal. The Tribunal is an institution of the Convention and an instrument created by it, specially instituted for the peaceful resolution of conflicts over the interpretation or application of the new international law of the sea. It seeks to preserve and secure a Convention so widely acceptable that it will endure for generations to come.

The Tribunal has an interest in the law of the sea and ocean affairs, including fisheries and navigation, the global environment, sustainable development, questions relating to administration, and other related matters considered by the General Assembly. The granting of observer status is therefore of the utmost importance, as it will enable the Tribunal to participate as an observer in the deliberations of the Assembly with respect to topics of interest to the Tribunal.

The problems of ocean space are closely interrelated and need to be considered as a whole, as the Convention states in its preamble. The activities of the Tribunal are complementary in many areas to those of the United Nations, especially in the field of the law of the sea and ocean affairs, for which the Secretary-General has broad responsibilities. The International Seabed Authority is the other organization established by the Convention. The Commission on the Limits of the Continental Shelf is due to be established shortly. The functions of the Secretary-General under the Convention include the important one of reporting on developments relating to the law of the sea. He does so annually to the General Assembly.

Furthermore, the Tribunal, created under the United Nations Convention on the Law of the Sea for the peaceful settlement of disputes, needs to be aware of all developments concerning the oceans and of all general principles and developments relating to peaceful settlements in accordance with the Charter. Therefore, the decision of the Assembly to grant observer status will not only serve to establish and consolidate links between the Tribunal and the United Nations, but will also assist both the General Assembly and the Tribunal in carrying out their work. It is envisaged that these links will shortly find expression and elaboration in a relationship agreement between the two organizations.

Once again, on behalf of the International Tribunal for the Law of the Sea, I wish to express appreciation for the decision of the General Assembly to grant observer status to the Tribunal, and I look forward to a relationship based on cooperation and understanding between the Tribunal and the United Nations. I take this opportunity to express appreciation to the Secretary-General, to the Legal Counsel and to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, for facilitating and supporting the establishment of the Tribunal leading up to its ceremonial inaugural session on 18 October 1996 in Hamburg, Germany, and even thereafter.

Consistent with resolution 51/34, adopted on 9 December 1996 under the item "Law of the Sea", it is anticipated that close collaborated will continue between the institutions of the Convention: the United Nations, with its Division for Ocean Affairs and the Law of the Sea serving as the secretariat of the Convention, the International Seabed Authority and the International Tribunal for the Law of the Sea.

I take this opportunity also to express to the Secretary-General-elect, Mr. Kofi Annan of Ghana, the warmest congratulations of the President of the Tribunal, Mr. Thomas Mensah, and the Judges of the Tribunal, and my own congratulations, on his elevation to the office of Secretary-General of the United Nations, an office whose incumbency he will adorn.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 163?

It was so decided.

Agenda item 164

Proclamation of 21 November as World Television Day

Draft resolution A/51/L.60

The Acting President: I call on the representative of Italy to introduce draft resolution A/51/L.60.

Mr. Ferrarin (Italy): I have the honour to introduce the draft resolution contained in document A/51/L.60 on agenda item 164, entitled "Proclamation of 21 November as World Television Day". This draft resolution has been sponsored by a very large number of countries. In addition to the 128 sponsors already appearing in document A/51/L.60, the draft resolution has also been sponsored by Armenia, Belarus, Belize, Benin, Burkina Faso, the Central African Republic, China, Croatia, Dominica, Ghana, Maldives, Malaysia, the Philippines, Singapore, Tajikistan, the United Republic of Tanzania, Uruguay, Zambia and Zimbabwe, thus bringing the total number of sponsors to 147. I would like to express Italy's deep appreciation to all these delegations for their valuable support.

Three weeks ago, on 21 and 22 November, the first World Television Forum was held at the United Nations, jointly organized by the United Nations Department of Public Information, Italian State Television and the Italian Government, and financed entirely by Italy. For the first time in the life of this Organization, leading media personalities of both the public and the private sectors met under the auspices of the United Nations to discuss the growing significance of television in today's changing world and to consider how they might enhance their future cooperation. In the Final Declaration of the World Television Forum, the event was regarded as historic. And it was indeed a historic gathering, since it was attended by more than 140 representatives of broadcasters from more than 50 nations.

We think that by organizing and financing the meeting, Italy has made a significant contribution to establishing a very useful link between the United Nations system and broadcasters all over the world. Now it is important not to lose momentum and to build on this achievement.

The participants in the Forum supported the idea of establishing an annual World Television Day, to be celebrated each 21 November, which would be marked by global exchanges of television programmes focusing particularly on such issues as peace and security,

economic and social development and the enhancement of cultural exchange. This special day would be closely linked to the organization of future sessions of the World Television Forum, since the latter would be held simultaneously with the Television Day, thereby greatly enhancing the general visibility of the Forum. Let me indicate here that Italy and other countries are considering organizing a second Forum of the same kind as early as next fall.

Responding to this appeal, Italy decided to submit a draft resolution. In our view, the holding of the Forum and the proclamation of 21 November as world Television Day are the first steps towards the establishment of a permanent forum of discussion, under the auspices of the United Nations, on issues related to the growing importance of television on the eve of a new century. Let me specify here that the word television, in this very broad context, is a reference not merely to television today, but rather to what its role will be in the future as a powerful instrument of information, individual and global communication, and cultural and social exchange, for all countries and all individuals in the world.

The draft resolution on which the Assembly is about to take action has received strong and wide support from Member States. As I have already indicated, it has been sponsored by 147 countries, a number which represents more than three-quarters of the entire membership. This is a clear demonstration of the importance that Member States attach to this initiative, as well as of the interest the World Television Forum has raised among them.

For all those reasons, we hope that the draft resolution can be adopted by consensus.

Mr. Legal (France) *(interpretation from French)*: The delegation of France wishes to join the delegation of Italy in recommending to members the adoption of draft resolution A/51/L.60.

The decision that one day of the year should be World Television Day would mark the anniversary of the important Forum which was held on 21 and 22 November on the initiative of the Government of Italy. Some might think that this is just one more commemorative day amongst others; some might think there are too many of them. But that is not the view of my delegation.

The initiative taken on 21 and 22 November opens a door for cooperation which should be explored. It is important to continue the exchanges that were begun on 21 and 22 November. It is important to do so for two reasons: first, for the United Nations, because the Organizations needs to be better known through the exceptional medium of television, and secondly for world television itself. It is useful to open up to more multilateral questions and to cooperate on the basis of equality rejecting unilateral domination and unbalanced messages.

Cooperation between television and the United Nations should serve both television and the United Nations. This is why I keenly endorse the statement just made by the representative of Italy and why I hope that the text can be adopted.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/51/L.60. I shall now call on those representatives who wish to explain their votes before the voting. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Chambers (United States of America): My delegation will abstain on draft resolution A/51/L.60 proclaiming 21 November as World Television Day. This proclamation is a doubtful expenditure of time and energy at best. Other General Assembly resolutions already address the substantive issues surrounding the communication of United Nations activities and there is certainly no shortage of mandates detailing how and what information on programmes and policies should be disseminated.

And surely, if we are to recognize the global importance of television, how can we ignore the medium's *raison d'etre* and central value: facilitating the free and uncensored flow of information and ideas to ordinary people around the world. A commemorative day that does not have this concept as an organizing principle runs the risk of providing legitimacy for those who would misuse television as a tool of repression and control.

Finally, I would also note that this draft resolution has not been considered according to usual procedure, a process that would have allowed a full discussion and airing of these types of issues and that most likely would have led to the realization that this draft resolution is unneeded and unnecessary.

I urge others to join us in showing their non-support for this draft resolution.

Mr. Zaagman (Netherlands): Shortly we will be voting on draft resolution A/51/L.60, by which the General Assembly would proclaim 21 November as World Television Day, commemorating the date on which the first World Television Forum was held.

While the Netherlands considered the Forum to have been an interesting and indeed useful meeting, we are of the opinion that the draft resolution before us today is not a good proposition. We have the following reasons for this view.

While over the past few years delegations have been trying to rationalize the proceedings of the United Nations and do away with less important resolutions, the submission of the present draft resolution goes in exactly the opposite direction. The draft resolution does not address an issue which is important enough to be discussed by the General Assembly. At a time when the United Nations is debating issues like Bosnia and Zaire, it adds another so-called special day to a seemingly endless list of days which are mostly of questionable use.

Furthermore, operative paragraph 2 of the draft resolution could be considered as requesting Member Governments to influence the contents of television programmes. This is against our basic values and convictions. Governments should not have that right.

For these reasons, the Netherlands will not support the present draft resolution and will abstain in the vote.

Mr. Henze (Germany): We welcomed the World Television Forum, which was attended, along with other people, by high-level representatives of German television. It was a useful event. However, we have problems with the draft resolution before us for three reasons.

First, there are already three United Nations days encompassing similar subjects: World Press Freedom Day; World Telecommunication Day; and World Development Information Day. To add another day does not make much sense. Indeed, as has rightly been pointed out by the representative of the United States and the Netherlands, it runs counter to the efforts of a great majority of Member States to streamline the agenda of the General Assembly and reduce the number of items.

Secondly, as we all know, television is only one means of information and an information medium to which a considerable majority of the world population has no access: the poor majority of the world population, whose needs and problems Ambassador Somavía of Chile so eloquently described and deplored when he introduced draft resolution A/51/L.55 on the implementation of the outcome of the World Summit for Social Development. That vast majority could easily look at World Television Day as a rich man's day. They do not have access to television. There are more important information media and here I would mention radio in particular. We think it is more important to enhance the role of those media than that of television.

Thirdly, operative paragraph 2 of the draft resolution, as has been pointed out by the representative of the Netherlands, is ambiguous at the least and gives rise to concern that it could have negative implications for freedom of the press. Freedom of the press is a fundamental principle of the German Constitution. We cannot accept any language which would cast a shadow of doubt on that principle.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/51/L.60.

A recorded vote has been requested.

We shall now begin the voting process.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Dominica, Ecuador, Egypt, El Salvador, Estonia, Fiji, France, Gabon, Georgia, Ghana, Grenada, Guinea-Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein,

Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

None

Abstaining:

Czech Republic, Denmark, Finland, Germany, Haiti, Japan, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Draft resolution A/51/L.60 was adopted by 141 votes to none, with 11 abstentions (resolution 51/205).

[Subsequently, the delegations of Djibouti and Haiti informed the Secretariat that they had intended to vote in favour.]

The Acting President: I shall now call on the representative of Cuba, who wishes to make a statement in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Cueto Milián (Cuba)(*interpretation from Spanish*): The delegation of Cuba voted in favour of the draft resolution introduced by the delegation of Italy since it considers that there is true merit in its underlying spirit. In the view of the delegation of Cuba, the proclamation of World Television Day could and should serve, above all, to promote relations of friendship, respect and cooperation among all States and nations of the world and to promote the economic and social development of peoples. Our delegation is sympathetic with the aim of the Italian proposal. However, we believe that the substance of the draft resolution does not reflect certain principles of information and of freedom of press and expression.

We think that the proclamation of World Television Day should also serve as a point of departure and a time of reflection, above all, on those peoples and nations that do not even know what television is, on those peoples that do not have access to a well-balanced flow of information and on those peoples subjected to television signals intended to undermine their territorial integrity, sovereignty and freely chosen political and social system, which are broadcast in violation of the most basic norms of international telecommunications treaties.

Thus, the delegation of Cuba reiterates that its vote in favour of the draft resolution introduced by Italy implies, above all, the confidence that World Television Day will stimulate reflection on and promotion of the fact that television should always be to the benefit of the oppressed and the needy, and not the wealthy and powerful nations.

The Acting President: We have heard the only speaker in explanation of vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 164?

It was so decided.

Reports of the Sixth Committee

Agenda item 144

Convention on the law of the non-navigational uses of international watercourses

Report of the Sixth Committee (A/51/624)

Report of the Fifth Committee (A/51/733)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 12 of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/51/733.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/206).

The Acting President: I shall now call on the representative of the United States of America, who wishes to make a statement in explanation of position. May I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

Ms. Chambers (United States of America): The United States has joined the consensus on agenda item 144 and will also join the consensus on items 147, 150 and 151 and any programme budget implications associated with these items with the understanding that the Fifth Committee will reduce its reservation of 15 weeks of meetings in 1997 and that these items' conference-services requirements will be met from within the 15 weeks reserved for the Fifth Committee. The relinquished meeting time will be reallocated to accommodate conference-service requirements of these items so that they can be absorbed within the 1996-1997 biennium budget of $2.608 billion. The United States will actively seek confirmation in the Fifth Committee of this understanding and the absorption of all potential budgetary add-ons within the 1996-1997 biennium budget of $2.608 billion.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 144.

It was so decided.

Agenda item 147

Establishment of an international criminal court

Report of the Sixth Committee (A/51/627)

Letter from the Chairman of the Committee on Conferences A/51/721)

Report of the Fifth Committee (A/51/733)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report.

I should like to draw the attention of members to a letter dated 9 December 1996 from the Chairman of the Committee on Conferences, issued as document A/51/721, concerning the draft resolution.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/51/733.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/207).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 147?

It was so decided.

Agenda item 150

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee (A/51/630)
Report of the Fifth Committee (A/51/733)

The Acting President: The Assembly will now take decisions on the two draft resolutions recommended by the Sixth Committee in paragraph 14 of its report.

The Sixth Committee adopted draft Resolution I, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", without a vote.

May I consider that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 51/208).

The Acting President: Draft Resolution II is entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The report of the Fifth Committee on the programme budget implications of draft resolution II is contained in document A/51/733.

The Sixth Committee adopted draft resolution II without a vote.

May I consider that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 51/209).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 150?

It was so decided.

Agenda item 151

Measures to eliminate international terrorism

Report of the Sixth Committee (A/51/631)

Report of the Fifth Committee (A/51/733)

The Acting President: The Assembly will now consider the draft resolution recommended by the Sixth Committee in paragraph 11 of its report.

I shall now call on those representatives who wish to explain their positions before action is taken on the draft resolution.

Mr. Hamdan (Lebanon) (*interpretation from Arabic*): Lebanon's position on this subject is based on two inalterable principles. First, terrorism is a serious scourge that threatens democracy and should therefore be fought just as organized crime is fought. Lebanon is opposed to terrorism in all its forms and manifestations.

Secondly, the very concept of terrorism must be correctly defined. A distinction must be made between terrorist acts, strictly speaking, and struggles for the liberation of an occupied territory or resistance against armies of occupation. A distinction must be made between violence for political, ethnic or religious purposes and military acts against the armed forces of an enemy occupying the territory of one's homeland, legitimate combat intended to achieve sovereignty and independence.

Lebanon welcomes the idea of holding an international conference to reach a common definition of terrorism on the basis of these inalterable principles. We nevertheless reaffirm our right to resist Israeli occupation in southern Lebanon and the western Bekaa valley. We stand in opposition to the massacres perpetrated by the Israeli army in the villages of that region, most recently the Qana massacre.

We reiterate our support for all measures to combat terrorism, to implement all existing international agreements on this subject and to consolidate international cooperation in this area. In this regard, Lebanon stresses the importance of dealing with causes rather than merely condemning the effects or imposing sanctions.

Mr. Zhang Kening (China) (*interpretation from Chinese*): Before the General Assembly takes action on the draft resolution relating to the item entitled "Measures to eliminate international terrorism", the Chinese delegation would like to state the following.

Before action was taken on the draft resolution relating to this item in the Sixth Committee during this session of the General Assembly, the Chinese delegation indicated that it would not be participating in the decision on the draft resolution and made a statement in this regard, explaining the position of the Chinese delegation and requesting that our statement be included in the records.

On the basis of the same reasons clearly expressed in that statement, the Chinese delegation will not be participating in the decision by the General Assembly on the draft resolution today and requests that this statement be included in the record.

The Acting President: We have heard the last speaker in explanation of position.

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 11 of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/51/733.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 51/210).

The Acting President: I shall now call on those representatives who wish to explain their positions on the draft resolution just adopted.

Mr. Mekdad (Syria) (*interpretation from Arabic*): My delegation joined the consensus on draft resolution A/C.6/51/L.15/Rev.1 in the light the following:

First, the reference to resolution 49/60 in the first preambular paragraph constitutes a reference to all the preambular and operative paragraphs of resolution 46/51 of 9 December 1991. Here we wish to recall in particular the twelfth, thirteenth, fourteenth, fifteenth and sixteenth preambular paragraphs of that resolution.

Secondly, the reference to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, contained in resolution 50/6, in the second preambular paragraph of the resolution just adopted and in the third preambular paragraph of its annex, confirms the third subparagraph of the first part of the Declaration, which is entitled "Peace". That subparagraph reaffirms the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizes the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination.

In this regard, we must affirm that the just struggle of peoples to end foreign occupation is a legitimate struggle and is not terrorism. This understanding was explained by the Chairman of the working group in his statement at the meeting in which the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations was adopted.

In its third preambular paragraph the resolution just adopted confirms the General Assembly's guidance by the purposes and principles of the Charter of the United Nations. As for the reference in the resolution to the numerous international and regional conferences, including those of the Organization of the Islamic Conference and the Non-Aligned Movement, we understand this as an implicit endorsement of the communiqués of all those conferences, especially of the paragraphs on distinguishing terrorism from the just struggle of peoples for national liberation.

Hence, our decision to join consensus was based on our interest in achieving practical measures that will enable us to combat international terrorism, which we condemn in all its forms and manifestations, and on our belief in the need to combat that phenomenon in the light of the interest just mentioned.

My delegation had hoped that the resolution would have a separate paragraph containing a clear definition of international terrorism. The resolution also should have made the formulation of this definition a priority mission of the envisaged ad hoc committee, because such a definition will be necessary in preparing the text of the draft international conventions provided for in the resolution just adopted. In this respect, we reaffirm the need to establish a clear and unambiguous distinction between terrorism, which we condemn in all its forms and manifestations, and the struggle of peoples chafing under foreign occupation, who have the legitimate right to resist occupation and liberate their lands, in keeping with the Charter of the United Nations, its relevant resolutions and the norms of international law.

Mr. Wenaweser (Liechtenstein): Given the unprecedented scale of terrorist acts in the recent past and the enormous human suffering they have caused, everyone will recognize the need for enhanced international cooperation to combat this scourge. While fully and unreservedly sharing this view, my delegation has consistently taken the position that measures to combat international terrorism must be in strict compliance with the existing principles and standards of international law, particularly in the field of human rights.

In past years, the different texts on the issue of terrorism that have been drafted within the United Nations have not always fulfilled this criterion. The Commission on Human Rights and the General Assembly, upon recommendation by the Third Committee, have adopted resolutions containing the notion that terrorists violate human rights. Many delegations, including our own, have consistently expressed concern about this approach because it undermines the basic principle that the promotion and protection of human rights is the responsibility of States, while we acknowledge that the question of non-State actors requires increased, careful consideration.

Based on the same legal consideration, my delegation has reservations concerning the assertion expressed in the Declaration annexed to the resolution that all acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations, as well as concerning the not-very-clear concepts introduced in this connection into the Declaration. With

regard to the linkage made with the Convention relating to the Status of Refugees, my delegation is grateful to the main sponsor of the Declaration for introducing paragraphs that make it clear that this Convention does not provide a basis for the protection of perpetrators of terrorist acts, and we would like to state our understanding that the Declaration does not affect the application of the provisions of the Convention, particularly the exclusion clauses and the provisions concerning the principle of non-refoulement.

Mr. Aquarone (Netherlands): The Netherlands has joined consensus regarding this resolution, which includes a Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism.

The Netherlands Government is fully committed to the fight against international terrorism. The continuous occurrence of acts of terrorism throughout the world indicates clearly that there is every reason to strengthen international cooperation in the struggle against such acts. The delegation of the Netherlands will cooperate and participate fully in any meaningful effort to suppress international terrorism.

We will continue to prosecute anyone — regardless of whether he or she is a refugee or an asylum seeker — who has engaged in or has been involved in acts of terrorism. We will do so to the full extent of our national law and in full respect of human rights. The Netherlands can subscribe fully to the contents of the statement just made by Liechtenstein in this respect.

We are of the opinion that the provisions of the 1951 Convention relating to the Status of Refugees do not stand in the way of bringing perpetrators of acts of terrorism to justice. We therefore welcome the withdrawal of the explicit reference to article 1, paragraph F (c), of the Convention from the Declaration. The scope of this important article is thus not expanded. Indeed, this would have been quite unnecessary. The proper application of the existing Convention provisions, including articles 2, 32 and 33, warrant no change in the interpretation of article 1, paragraph F (c), of the Convention. We are grateful to the drafters of the resolution for accommodating this change.

The Netherlands would further like to stress that the Declaration does not affect in any way the protection afforded to refugees under the terms of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and other provisions of international law.

I would be most grateful if this statement could be placed officially on record.

The Acting President: We have heard the last speaker in explanation of vote after the vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 151?

It was so decided.

The Acting President: The General Assembly has thus concluded its consideration of all the reports of the Sixth Committee before it.

The meeting rose at 6.35 p.m.